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FEDERAL REGISTER

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Codification Guide

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3559

NATIONAL DAY OF PRAYER, 1963

By the President of the United States of America

A Proclamation

Our forefathers declared the independence of our Nation "with a firm reliance on the protection of divine Providence." In that reliance, they set forth the conviction that all men are created equal and endowed by their Creator with unalienable rights to life, liberty, and the pursuit of happiness.

More than a century and three-quarters after our Nation was dedicated to that proposition, it may truly be reaffirmed that "We are a religious people whose institutions presuppose a Supreme Being." Conscious of the religious character of our people, the Congress of the United States by a joint resolution of April 17, 1952, provided that "The President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation, at churches, in groups, and as individuals."

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do set aside and proclaim Wednesday, the sixteenth day of October 1963, as the National Day of Prayer.

On this day, let us acknowledge anew our reliance upon the divine Providence which guided our founding fathers. Let each of us, according to his own custom and his own faith, give thanks to his Creator for the divine assistance which has nurtured the noble ideals in which this Nation was conceived.

Most especially, let us humbly acknowledge that we have not yet succeeded in obtaining for all of our people the blessings of liberty to which all are entitled. On this day, in this year, as we concede these shortcomings, let each of us pray that through our failures we may derive the wisdom, the courage, and the strength to secure for every one of our citizens the full measure of dignity, freedom, and brotherhood for which all men are qualified by their common fatherhood under God.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of October in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-10877; Filed, Oct. 10, 1963; 4:45 p.m.]

Memorandum of October 10, 1963

[GOVERNMENT PATENT POLICY]

Memorandum for the Heads of Executive Departments and Agencies

Over the years, through Executive and Legislative actions, a variety of practices has developed within the Executive Branch affecting the disposition of rights to inventions made under contracts with outside organizations. It is not feasible to have complete uniformity of practice throughout the Government in view of the differing missions and statutory responsibilities of the several departments and agencies engaged in research and development. Nevertheless, there is need for greater consistency in agency practices in order to further the governmental and public interests in promoting the utilization of federally financed inventions and to avoid difficulties caused by different approaches by the agencies when dealing with the same class of organizations in comparable patent situations.

From the extensive and fruitful national discussions of government patent practices, significant common ground has come into view. First, a single presumption of ownership does not provide a satisfactory basis for government-wide policy on the allocation of rights to inventions. Another common ground of understanding is that the Government has a responsibility to foster the fullest exploitation of the inventions for the public benefit.

Attached for your guidance is a statement of government patent policy, which I have approved, identifying common objectives and criteria and setting forth the minimum rights that government agencies should acquire with regard to inventions made under their grants and contracts. This statement of policy seeks to protect the public interest by encouraging the Government to acquire the principal rights to inventions in situations where the nature of the work to be undertaken or the Government's past investment in the field of work favors full public access to resulting inventions. On the other hand, the policy recognizes that the public interest might also be served by according exclusive commercial rights to the contractor in situations where the contractor has an established non-governmental commercial position and where there is greater likelihood that the invention would be worked and put into civilian use than would be the case if the invention were made more freely available.

Wherever the contractor retains more than a non-exclusive license, the policy would guard against failure to practice the invention by requiring that the contractor take effective steps within three years after the patent issues to bring the invention to the point of practical application or to make it available for licensing on reasonable terms. The Government would also have the right to insist on the granting of a license to others to the extent that the invention is required for public use by governmental regulations or to fulfill a health need, irrespective of the purpose of the contract.

The attached statement of policy will be reviewed after a reasonable period of trial in the light of the facts and experience accumulated. Accordingly, there should be continuing efforts to monitor, record, and evaluate the practices of the agencies pursuant to the policy guidelines.

This memorandum and the statement of policy shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

STATEMENT OF GOVERNMENT PATENT POLICY

BASIC CONSIDERATIONS

A. The government expends large sums for the conduct of research and development which results in a considerable number of inventions and discoveries.

B. The inventions in scientific and technological fields resulting from work performed under government contracts constitute a valuable national resource.

C. The use and practice of these inventions and discoveries should stimulate inventors, meet the needs of the government, recognize the equities of the contractor, and serve the public interest.

D. The public interest in a dynamic and efficient economy requires that efforts be made to encourage the expeditious development and civilian use of these inventions. Both the need for incentives to draw forth private initiatives to this end, and the need to promote healthy competition in industry must be weighed in the disposition of patent rights under government contracts. Where exclusive rights are acquired by the contractor, he remains subject to the provisions of the antitrust laws.

E. The public interest is also served by sharing of benefits of government-financed research and development with foreign countries to a degree consistent with our international programs and with the objectives of U.S. foreign policy.

F. There is growing importance attaching to the acquisition of foreign patent rights in furtherance of the interests of U.S. industry and the government.

G. The prudent administration of government research and development calls for a government-wide policy on the disposition of inventions made under government contracts reflecting common principles and objectives, to the extent consistent with the missions of the respective agencies. The policy must recognize the need for flexibility to accommodate special situations.

POLICY

SECTION 1. The following basic policy is established for all government agencies with respect to inventions or discoveries made in the course of or under any contract of any government agency, subject to specific statutes governing the disposition of patent rights of certain government agencies.

(a) Where

(1) a principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(2) a principal purpose of the contract is for exploration into fields which directly concern the public health or public welfare; or

(3) the contract is in a field of science or technology in which there has been little significant experience outside of work funded by the government, or where the government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

(4) the services of the contractor are

(i) for the operation of a government-owned research or production facility; or

(ii) for coordinating and directing the work of others,

the government shall normally acquire or reserve the right to acquire the principal or exclusive rights throughout the world in and to any inventions made in the course of or under the contract. In exceptional circumstances the contractor may acquire greater rights than a nonexclusive license at the time of contracting, where the head of the department or agency certifies that such action will best serve the public interest. Greater rights may also be acquired by the contractor after the invention has been identified, where the invention when made in the course of or under the contract is not a primary object of the contract, *provided* the acquisition of such greater rights is consistent with the intent of this Section 1(a) and is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application.

(b) In other situations, where the purpose of the contract is to build upon existing knowledge or technology to develop information, products, processes, or methods for use by the government, and the work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position, the contractor shall normally acquire the principal or exclusive rights throughout the world in and to any resulting inventions, subject to the government acquiring at least an irrevocable non-exclusive royalty free license throughout the world for governmental purposes.

(c) Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in Section 1(b), above, the determination of rights shall be made by the agency after the invention has been identified, in a manner deemed most likely to serve the public interest as expressed in this policy statement, taking particularly into account the intentions of the contractor to bring the invention to the point of commercial application and the guidelines of Section 1(a) hereof, *provided* that the agency may prescribe by regulation special situations where the public interest in the availability of the inventions would best be served by permitting the contractor to acquire at the time of contracting greater rights than a non-exclusive license. In any case the government shall acquire at least a non-exclusive royalty free license throughout the world for governmental purposes.

(d) In the situation specified in Sections 1(b) and 1(c), when two or more potential contractors are judged to have presented proposals of equivalent merit, willingness to grant the government principal or exclusive rights in resulting inventions will be an additional factor in the evaluation of the proposals.

(e) Where the principal or exclusive (except as against the government) rights in an invention remain in the contractor, he should agree to provide written reports at reasonable intervals, when requested by the government, on the commercial use that is being made or is intended to be made of inventions made under government contracts.

(f) Where the principal or exclusive (except as against the government) rights in an invention remain in the contractor, unless the contractor, his licensee, or his assignee has taken effective steps within three years after a patent issues on the invention to bring the invention to the point of practical application or has made the invention available for licensing royalty free or on terms that are reasonable in the circumstances, or can show cause why he should retain the principal or exclusive rights for a further period of time, the government shall have the right to require the granting of a license to an applicant on a non-exclusive royalty free basis.

(g) Where the principal or exclusive (except as against the government) rights to an invention are acquired by the contractor, the government shall have the right to require the granting of a license to an applicant royalty free or on terms that are reasonable in the circumstances to the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health needs, or for other public purposes stipulated in the contract.

(h) Where the government may acquire the principal rights and does not elect to secure a patent in a foreign country, the contractor may file and retain the principal or exclusive foreign rights subject to retention by the government of at least a royalty free license for governmental purposes and on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States.

SEC. 2. Government-owned patents shall be made available and the technological advances covered thereby brought into being in the shortest time possible through dedication or licensing and shall be listed in official government publications or otherwise.

SEC. 3. The Federal Council for Science and Technology in consultation with the Department of Justice shall prepare at least annually a report concerning the effectiveness of this policy, including recommendations for revision or modification as necessary in light of the practices and determinations of the agencies in the disposition of patent rights under their contracts. A patent advisory panel is to be established under the Federal Council for Science and Technology to

(a) develop by mutual consultation and coordination with the agencies common guidelines for the implementation of this policy, consistent with existing statutes, and to provide over-all guidance as to disposition of inventions and patents in which the government has any right or interest; and

(b) encourage the acquisition of data by government agencies on the disposition of patent rights to inventions resulting from federally-financed research and development and on the use and practice of such inventions, to serve as basis for policy review and development; and

(c) make recommendations for advancing the use and exploitation of government-owned domestic and foreign patents.

SEC. 4. *Definitions:* As used in this policy statement, the stated terms in singular and plural are defined as follows for the purposes hereof:

(a) Government agency—includes any Executive department, independent commission, board, office, agency, administration, authority, or other government establishment of the Executive Branch of the Government of the United States of America.

(b) "Invention" or "Invention or discovery"—includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(c) Contractor—means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(d) Contract—means any actual or proposed contract, agreement, grant, or other arrangement, or sub-contract entered into with or for the benefit of the government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(e) "Made"—when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of or under the contract.

(f) Governmental purpose—means the right of the Government of the United States (including any agency thereof, state, or domestic municipal government) to practice and have practiced (made or have made, used or have used, sold or have sold) throughout the world by or on behalf of the Government of the United States.

(g) "To the point of practical application"—means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

[F.R. Doc. 63-10888; Filed, Oct. 11, 1963; 9:21 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

REORGANIZATION AND REVISION OF CHAPTER

In the FEDERAL REGISTER for September 14, 1963, the Civil Service Commission published its new regulations to become effective November 17, 1963, superseding the corresponding old regulations on that date. Complete background information appears in the explanatory statement published with those regulations.

Among other things, this explanatory statement indicated that with minor exceptions the new regulations did not include regulations to replace the current pay and leave regulations and, accordingly, all of Part 25 except the appeals provisions of § 25.416; all of Part 30; and all of Part 27 except § 27.1 would remain in effect on November 17, 1963. However, the explanatory statement also indicated that new pay and leave regulations to replace these parts would be issued at a later date and given a correspondingly later effective date.

These new regulations, consisting of New Parts 530, 531, 534, 539, 550, 610, and 630, are set out below. They become effective December 15, 1963, superseding the corresponding old regulations, i.e., those described in the preceding paragraph, on that date.

One change in the new pay and leave regulations appears to warrant comment. Appendix A to Part 30, Annual and Sick Leave Regulations (list of officers to whom the Annual and Sick Leave Act of 1951, as amended, does not apply) is not being published with the new regulations. This list is included in the Commission's Federal Personnel Manual Supplement 990–2, and any changes in the list that are approved by the Chairman of the Civil Service Commission under authority of paragraph 2 of Executive Order 10540 will be made in that supplement. In addition, these changes will be published as notices in the FEDERAL REGISTER.

The new regulations do not reflect any changes in the current pay and leave regulations that were published in the FEDERAL REGISTER after September 18, 1963. Those changes will be published in the near future as amendments of the new regulations. Any other changes in these regulations that are to be effective before December 15, 1963, will be published in the FEDERAL REGISTER in both the current and new form. Thus, the new pay and leave regulations that are effective December 15, 1963 consist of:

1. The regulations as set out below.

2. Amendments of these regulations which reflect amendments of the current regulations between September 19, 1963 and October 12, 1963; and,

3. Any other amendments of these new regulations which are published in the FEDERAL REGISTER after October 12, and before December 15, 1963.

PART 530—PAY RATES AND SYSTEMS (GENERAL)

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Special Rates for Recruitment and Retention

§ 530.301 Special adjustments in salary ranges for certain positions.

(a) For each Classification Act grade in an occupation and location for which the Commission had increased the minimum rate under authority of former section 803 of that act in effect immediately before the Federal Salary Reform Act of 1962, the lowest rate in Compensation Schedule I of section 603(b) of the Classification Act which equals or exceeds the increased minimum rate is the minimum rate, and each rate for the grade is increased by the dollar amount by which the new minimum rate exceeds the minimum rate prescribed by statute for the grade.

(b) The incumbent of a position covered by an increased minimum rate under authority of former section 803 of the Classification Act in effect immediately before the Federal Salary Reform Act of 1962, after his rate is fixed initially under section 602(b) of the Federal Salary Reform Act, shall then be placed at the lowest rate in the increased rate range established under paragraph (a) of this section which equals or exceeds his rate as fixed initially under section 602(b).

(Sec. 504, 76 Stat. 842; 5 U.S.C. 1173; E.O. 11056, 27 F.R. 10017, 3 CFR, 1962 Supp.)

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Subpart A—[Reserved]

Subpart B—Determining Rate of Basic Compensation

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531.511 Work performance.
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531.513 Retention period—reassignment.
531.514 Within-grade increases.
531.515 Pay adjustment.
531.516 Appeals to the Commission.

AUTHORITY: §§ 531.201 to 531.516 issued under sec. 1101, 63 Stat. 971; 5 U.S.C. 1072. §§ 531.501 to 531.516 also issued under sec. 507 as added by 70 Stat. 291, as amended; 5 U.S.C. 1107.

Subpart A—[Reserved]

Subpart B—Determining Rate of Basic Compensation

§ 531.201 Applicability.

This subpart and title VIII of the Classification Act apply in fixing and adjusting rates of basic compensation of each officer and employee covered by the act.

§ 531.202 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Area" means a geographical subdivision which can be described in terms of boundaries, such as the metropolitan limits of a city, the area within 20 miles of the city limits, a county, several counties, or a State.

(c) "Demotion" means a change of an employee, while continuously employed, from:

(1) One Classification Act grade to a lower Classification Act grade, with or without reduction in compensation; or

(2) A higher rate paid under authority other than the Classification Act to a lower rate within a Classification Act grade.

(d) "Department" has the meaning given that word by section 201(a) of the act.

(e) "Employee" means an officer or employee of a department to whom this subpart applies.

(f) "Existing rate of basic compensation" means the rate received immediately before the effective date of a transfer, promotion, demotion, or within-grade increase.

(g) "Higher grade" means a General Schedule grade above the last previous General Schedule grade or its equivalent held by the employee.

(h) "Highest previous rate" means the highest rate of basic compensation previously paid to an individual while employed in a position in a branch of the Federal Government (executive, legislative, or judicial), a mixed ownership corporation, or the government of the District of Columbia, irrespective of whether or not the position was subject to the pay schedules of the Classification Act.

(i) "Location" means a specific place of employment within an area, such as a particular shipyard or airbase.

(j) "New appointment" means the first appointment, regardless of tenure, as an employee of the Federal Government or the government of the District of Columbia.

(k) "Promotion" means a change of an employee, while continuously employed, from:

(1) One Classification Act grade to a higher Classification Act grade; or

(2) A lower rate paid under authority other than the Classification Act to a higher rate within a Classification Act grade.

(l) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

(m) "Reassignment" means a change of an employee, while serving continuously in the same department, from one position to another without promotion or demotion.

(n) "Reemployment" means an employment, including reinstatement or another type of appointment, after a break in service of at least 1 full workday.

(o) "Transfer" means a change of an employee, without a break in service of 1 full workday, from one branch of the Federal Government (executive, legislative, or judicial) to another or from one department to another.

§ 531.203 General provisions.

(a) *New appointments.* A new appointment is made at the minimum rate of the grade to which the employee is appointed. When the minimum rate for the grade of a position has been set under Part 530 of this chapter, a new appointment to that position is made at the minimum rate set under Part 530 of this chapter.

(b) *Position or appointment changes.* Subject to §§ 531.204, 531.515, 539.201 of this chapter, and section 802(b) of the act, when an employee is reemployed, transferred, reassigned, promoted, or demoted, the department may pay him at any rate of his grade which does not exceed his highest previous rate; however, if his highest previous rate falls between two rates of his grade, the department may pay him at the higher rate. When an employee's type of appointment is changed in the same position, the department may continue to pay him at his existing rate or may pay him at any higher rate of his grade which does not exceed his highest previous rate; however, if his highest previous rate falls between two rates of his grade, the department may pay him at the higher rate.

(c) *Computation of highest previous rate.* The highest previous rate is based on a regular tour of duty at that rate under an appointment not limited to 90 days or less, or for a continuous period of not less than 90 days under one or more appointments without a break in service. If the highest previous rate was earned in a Classification Act position, it is increased by subsequent amendments of the Classification Act pay schedules. If the highest previous rate was earned in a position not subject to the Classification Act, it is computed as follows:

(1) The actual rate earned at the time of service is converted to the equivalent annual rate under the act as of the time of the service. If there was no exact equivalent annual rate, the next higher Classification Act rate is the equivalent annual rate. When an equivalent annual rate falls within the range of two or more grades under the act, the rate in the grade which gives the employee the maximum benefit is used as the equivalent annual rate.

(2) The equivalent annual rate determined under subparagraph (1) of this paragraph is converted to the equivalent annual rate under the current Classification Act pay schedule and that rate is the employee's highest previous rate.

(d) *Agency classification action.* When an agency regrades a position to a grade higher than the one to which the position had been classified by Commission action, and when subsequent to the regrading, the Commission again classifies the position to the grade which it had originally assigned the position, the rate attained by the employee in the higher grade may not be used as his highest previous rate.

(e) *Simultaneous actions.* When a position or appointment change and entitlement to a higher rate of pay occur at the same time, the higher rate of pay is deemed an employee's existing rate of basic compensation. If the employee is entitled to two pay benefits at the same time, the department shall process the changes in the order which gives the employee the maximum benefit.

§ 531.204 Special provisions.

(a) *Promotions and transfers.* (1) The requirements of section 802(b) of the act, apply in a transfer involving a promotion between Classification Act grades.

(2) For employees serving in grade GS–3 at the time of promotion, the following are two within-grade increases for the purposes of section 802(b) of the act:

(i) For employees who are in rates 1 through 4, $210;

(ii) For employees who are in rate 5, $215;

(iii) For employees who are in rate 6, $235; and

(iv) For employees who are in rate 7 or above, $250.

(b) *Classification decisions.* When a classification decision is made effective retroactively under Part 511 of this chapter, the department shall treat the corrective personnel action affecting the employee concerned as a cancellation or correction, as the case may be, of the original action of demotion, and the employee is entitled to retroactive pay in accordance with the terms of the corrective action.

Subpart C—Pay Adjustments for Supervisors

§ 531.301 Authority of department.

This subpart authorizes a department to make a special adjustment in the pay of a supervisor in a Classification Act position who regularly has responsibility for supervision over one or more wage board employees. In making this pay adjustment, a department is governed by section 803 of the act and this subpart.

§ 531.302 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Wage board employee" means an employee whose compensation is fixed and adjusted from time to time by a wage board or similar administrative authority as nearly as is consistent with the public interest in accordance with prevailing rates or in accordance with prevailing rates and practices in the maritime industry.

(c) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

§ 531.303 Use of authority.

In determining whether to use the authority under section 803 of the act and this subpart, a department shall consider (a) the relative rate-ranges of the supervisor and the wage board employee supervised by him as well as the specific rate either is receiving at the time, and (b) the equities among supervisors in the same organizational entity as well as the equities between the supervisor and the wage board employee supervised by him.

§ 531.304 Requirements for entitlement.

(a) *Basic.* Before a department may adjust the pay of a supervisor under section 803 of the act and this subpart, it must find that (1) the supervisor regularly has responsibility for supervision (which must include supervision over the technical aspects of the work concerned) over one or more wage board employees, and (2) the rate of basic compensation for the supervisor is less than the rate of basic compensation for the wage board employee supervised by him.

(b) *Regular responsibility.* A supervisor regularly has responsibility for supervision when this responsibility is a continuing assignment as reflected in his official position description.

(c) *Responsibility for supervision.* A supervisor has responsibility for supervision (including supervision over the technical aspects of the work concerned) when he has relatively frequent personal contact with the wage board employees in the unit in connection with assigned

work and when he personally or through an intermediate wage board supervisor:

(1) Determines assignments or duties for individual wage board employees;

(2) Makes reviews of work products of individual wage board employees when the reviews require a substantial subject matter or technical knowledge;

(3) Plans and organizes work with primary emphasis on distribution of assignments, workloads of individual wage board employees, work item priorities, and schedules for timely completion of work items, projects, or cases;

(4) Provides advice, assistance, counsel, or instructions to individual wage board employees;

(5) Evaluates the performance of individual wage board employees; and

(6) Serves as the focal point for discussion of problems arising from, or associated with, specific work products of the unit.

(d) *Rate of basic compensation.* (1) In comparing the rate of basic compensation for a supervisor with the rate of basic compensation for a wage board employee supervised by him, a department shall exclude from the wage board employee's rate (i) any irregular prevailing rate, such as a retained rate not related to his current position, and (ii) night differential.

(2) When a department excludes an irregular prevailing rate for the wage board employee from comparison, the department shall consider the highest rate of the regular prevailing rate for the position occupied by the wage board employee.

§ 531.305 Adjustment of rates.

(a) *Rate payable to supervisor.* When a department decides to adjust the rate of pay for a supervisor under section 803 of the act and this subpart, it shall adjust his rate of pay to the nearest rate (but not above the maximum rate) of his grade which exceeds the highest rate of basic compensation (excluding night differential) paid to any wage board employee for whom the supervisor regularly has responsibility for supervision.

(b) *Documentation.* The department shall record the basis for the determination of the supervisor's adjusted rate in his Official Personnel Folder.

(c) *Effective date.* The adjustment of a supervisor's rate of pay under this subpart is effective on the first day of the first pay period following the date on which the department determines to make the adjustment under section 803 of the act and this subpart.

(d) *Equivalent increase.* An adjustment in pay under section 803 of the act and this subpart is an equivalent increase in compensation under section 701 of the act.

Subpart D—Within-Grade Increases

§ 531.401 Scope.

(a) *Applicability.* Within-grade increases provided in title VII of the act apply to both full-time and non-full-time employees who occupy permanent positions under the act and who are compensated on an annual basis.

(b) *Entitlement.* A department shall determine an employee's entitlement to within-grade increases in accordance with title VII of the act and this subpart.

§ 531.402 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Department" has the meaning given that word by section 201(a) of the Act.

(c) "Employee" means an officer or employee of a department to whom this subpart applies.

(d) "Maximum rate" means the top rate for the grade of the Classification Act position.

(e) "Permanent position" means one filled on a permanent basis, that is by an appointment not designated as temporary by law and not having a definite time limitation.

(f) "Quality increase" means an additional within-grade increase in accordance with section 702 of the act and this subpart in recognition of high quality performance above that ordinarily found in the type of position concerned.

(g) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

(h) "Waiting period" means the minimum time requirement of creditable service to become eligible for consideration for a within-grade increase.

(i) "Within-grade increase" means an increase in an employee's rate of basic compensation from one rate of his grade to the next in accordance with section 701 of the act and this subpart, and is synonymous with the term "step increase" as used in the act.

§ 531.403 Within-grade increases—waiting period.

(a) (1) For a full-time employee, and for a non-full-time employee with a prearranged regularly scheduled tour of duty, the waiting periods for advancement to the following rates in all grades are:

(i) Rates 2, 3, and 4—52 calendar weeks of creditable service.

(ii) Rates 5, 6, and 7—104 calendar weeks of creditable service.

(iii) Rates 8, 9, and 10—156 calendar weeks of creditable service.

(2) For a non-full-time employee without a prearranged regularly scheduled tour of duty, the waiting periods for advancement to the following rates in all grades are:

(i) Rates 2, 3, and 4—260 days of creditable service in a pay status over a period of not less than 52 calendar weeks.

(ii) Rates 5, 6, and 7—520 days of creditable service in a pay status over a period of not less than 104 calendar weeks.

(iii) Rates 8, 9, and 10—780 days of creditable service in a pay status over a period of not less than 156 calendar weeks.

(b) A waiting period begins:

(1) On a new appointment as an employee of the Federal Government or the government of the District of Columbia;

(2) After a break in service or a nonpay status in excess of 52 calendar weeks; or

(3) On receiving an equivalent increase.

(c) For purposes of this section, a calendar week is a period of any 7 calendar days.

§ 531.404 Creditable service—waiting period.

(a) Continuous civilian employment in any branch of the Federal Government (executive, legislative, or judicial) or in the government of the District of Columbia is creditable service in the computation of a waiting period. Service credit is given during this employment for periods of annual, sick, and other leave with pay; advanced annual and sick leave; service under a temporary appointment; and service paid for at a daily or hourly rate. The waiting period is not interrupted by nonworkdays intervening between an employee's last regularly scheduled workday in one position and his first regularly scheduled workday in a new position.

(b) For a full-time employee, and a non-full-time employee with a prearranged regularly scheduled tour of duty, time in a nonpay status, except as provided in § 531.405(b), is creditable service in the computation of a waiting period when it does not exceed, in the aggregate:

(1) Two workweeks in the waiting period for rates 2, 3, and 4;

(2) Four workweeks in the waiting period for rates 5, 6, and 7; and

(3) Six workweeks in the waiting period for rates 8, 9, and 10. When an employee has time in a nonpay status in excess thereof, he shall make it up with creditable service before his next within-grade increase is effected.

(c) Leave of absence granted to an employee because of an injury for which compensation is payable under the Federal Employees' Compensation Act (5 U.S.C. 751) is creditable service in the computation of a waiting period.

(d) Service with the Armed Forces during a period of war or national emergency is creditable service in the computation of a waiting period when an employee leaves his civilian position to enter the Armed Forces and he is (1) reemployed in a position under the act not later than 52 calendar weeks after separation from active military duty, or (2) restored to his civilian position after separation from active military duty or hospitalization continuing thereafter as provided by law.

(e) The period from the date of an employee's separation with a reemployment right granted by law, Executive order, or regulation to the date of his return to duty through the exercise of that right is creditable service in the computation of a waiting period.

(f) Service in essential non-Government civilian employment in the public interest during a period of war or national emergency is creditable service in the computation of a waiting period when it interrupts otherwise creditable service.

§ 531.405 Noncreditable service—waiting period.

The following is not creditable service in the computation of a waiting period:

(a) Service at overtime rates;

(b) Service before a single nonpay period or a break in service when the nonpay period or break in service exceeds 52 calendar weeks, and any part of a nonpay period of more than 52 calendar weeks;

(c) A period of separation from a civilian position except as provided in § 531.404; or

(d) The period between the date an employee leaves his civilian position to enter the Armed Forces and the date of his reemployment in a position subject to the act when his reemployment is not within 52 continuous calendar weeks from the date of his discharge from the Armed Forces, except in instances of restoration provided by law.

§ 531.406 Equivalent increase.

(a) Except as otherwise provided in this section, equivalent increase, as used in the act and this subpart, is an increase or increases in an employee's rate of basic compensation equal to or greater than the amount of the within-grade increase for the grade in which the employee is serving.

(b) When an employee has served in more than one grade during the waiting period under consideration and it is necessary to determine whether he received an equivalent increase in a prior grade, an equivalent increase is an increase or increases in his rate of basic compensation equal to or greater than the amount of the within-grade increase for the prior grade.

(c) In computations under paragraph (a) or (b) of this section for grade GS–3 an equivalent increase after October 10, 1962, is an increase or increases in the employee's rate of basic compensation equal to or greater than $105 for an employee in rates 1 through 6, $110 for an employee in rate 7, and $125 for an employee in rate 8 or higher.

(d) When an employee receives more than one increase in his rate of basic compensation during the waiting period under consideration, no one of which is an equivalent increase, the first and subsequent increases are added until they amount to an equivalent increase, at which time he is deemed to have received an equivalent increase.

(e) For the purpose of paragraphs (b) and (d) of this section, the waiting period under consideration is the waiting period immediately preceding an employee's current entry into the rate of the grade in which he is serving.

§ 531.407 Work of an acceptable level of competence.

(a) An employee may receive a within-grade increase under section 701 of the act and this subpart only if his work is of an acceptable level of competence. The head of the department, or a person authorized to act in his behalf, shall determine whether an employee's work is of an acceptable level of competence and record that determination in writing.

(b) When a determination is made that an employee's work is not of an acceptable level of competence, the department shall give him:

(1) A prompt, written notice of that determination; and

(2) An opportunity to secure, upon timely request, reconsideration of that determination within the department. If the reconsideration results in a new determination favorable to the employee, the new determination supersedes the earlier one and is deemed to be made as of the date of the earlier determination.

(c) When a determination is made that an employee's work is not of an acceptable level of competence, the head of the department, or a person authorized to act in his behalf, shall make a new determination within the next 52 calendar weeks. If the new determination is favorable to the employee, the effective date of a within-grade increase for which he is otherwise eligible is the first day of the first pay period that begins on or after the date the new determination is made.

(d) There is no right to a review by the Commission of a department's determination.

(e) When a determination as prescribed by paragraphs (a), (b), or (c) of this section is not made on a timely basis through administrative oversight, error, or delay, it is deemed, when made, to have been made as of the date it would have been made were it not for the administrative oversight, error, or delay.

(f) The requirement for a determination as prescribed by paragraph (a) of this section is waived for periods of service which are counted as creditable service toward a waiting period under § 531.404 (c), (d), (e), or (f).

§ 531.408 Effective date—within-grade increase.

(a) A within-grade increase is effective on the first day of the first pay period following completion of the required waiting period and compliance with the other conditions of eligibility.

(b) When the effective date of a within-grade increase and the effective date of a personnel action occur at the same time, the department shall process the actions in the order that gives the employee the maximum benefit.

§ 531.409 Corrective action—within-grade increase.

(a) When a within-grade increase is delayed beyond its proper effective date through administrative oversight, error, or delay, the department shall make the increase effective as of the date it was properly due.

(b) When an improper personnel action is corrected in accordance with a mandatory statutory or regulatory requirement, the waiting period is not extended and begins on the date it would have begun had the improper action not occurred.

§ 531.410 Authority—quality increase.

The head of a department, or a person authorized to act in his behalf, may grant a quality increase in accordance with section 702 of the act and this subpart.

§ 531.411 Quality of performance required.

(a) A supervisory recommendation for a quality increase shall be in writing and shall show why performance can be characterized as high quality performance above that ordinarily found in the type of position concerned.

(b) Before a quality increase may be granted, the head of a department, or a person authorized to act in his behalf, shall find that (1) the employee concerned has been performing the most important functions of his position in a manner that substantially exceeds normal requirements so that when viewed as a whole the employee's work performance is of a high level of effectiveness, and (2) the employee's high level of effectiveness has been sustained to the extent that it may be considered characteristic of his performance.

§ 531.412 Department plans—quality increase.

Each department shall establish a plan for granting quality increases. The plan shall include standards and procedures to provide for the granting of quality increases with reasonable consistency throughout the department and with fairness to all employees.

§ 531.413 Reports—quality increase.

The Commission, from time to time, may request departments to report on the use of the authority to grant quality increases.

Subpart E—Salary Retention

§ 531.501 Purpose.

The purpose of this subpart is to provide the regulations necessary to administer section 507 of the Classification Act and carry out the intent of Congress in establishing salary retention benefits for Classification Act employees whose demotions are without personal cause, not at their own request, and not in a reduction in force due to lack of funds or curtailment of work.

§ 531.502 Entitlement.

An employee who is demoted from one Classification Act grade to another and qualifies under section 507 of the act and this subpart is entitled to salary retention.

§ 531.503 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Department" has the meaning given that word by section 201(a) of the act.

(c) "Employee" means an officer or employee in a Classification Act position.

(d) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

(e) "Salary retention" means an employee's entitlement to be paid at a rate fixed under the act and this subpart, and includes those rates preserved by section 2 of the Salary Retention Act.

(f) "Salary Retention Act" means the act of August 23, 1958, 72 Stat. 830, 5 U.S.C. 1107 note.

(g) "Salary retention period" means the period of not to exceed 2 continuous years during which an employee is entitled to salary retention under section 507 of the act.

§ 531.504 Documentation.

When an employee is granted the benefits of this subpart, the department concerned shall:

(a) Notify him of the action taken and the effective date thereof; and

(b) Make a written record of the action which becomes a permanent part of the employee's Official Personnel Folder even though no salary change occurs at the time of demotion.

§ 531.505 Equivalent tenure—excepted service.

When a department has established an employment system for its excepted service on a basis comparable to the career-conditional or career employment system in the competitive service, the department shall determine which excepted employees have tenure equivalent to career-conditional or career employees in the competitive service. When a department has not established such a system, each excepted employee having an appointment not limited to 1 year or less is deemed to have tenure equivalent to a career-conditional or career employee in the competitive service.

§ 531.506 Demotion for personal cause.

A demotion or other personnel action for personal cause is an action based on conduct, character, or inefficiency of the employee.

§ 531.507 Demotion at employee's request.

The reference in section 507(a)(3) of the act to the demotion of an employee "at his own request," includes a demotion to which he has consented in lieu of a proposed adverse action for personal cause, and one that he personally requests for another reason. The employee's consent to, or personal request for, a demotion shall be in writing and signed by the employee.

§ 531.508 Demotion in a reduction in force.

Salary retention does not apply to a demotion in a reduction in force due to (a) a lack of funds for personal services in the competitive area when that lack of funds results from a limitation imposed on a department or a military department by outside authority, or (b) a curtailment of the number of man hours required to perform the current work of the department in the competitive area.

§ 531.509 Continuous service.

The period of 2 continuous years of service immediately prior to a demotion required by section 507(a)(4) of the act must be served in a Classification Act position or in a position covered by § 539.201 of this chapter. This period includes any period or periods of nonpay status occurring in the 2-year period. Similarly, the salary retention period after demotion includes any period or periods in a nonpay status.

§ 513.510 Transfer of functions.

The movement of an employee with his function in a transfer of function between departments does not terminate or defeat the employee's eligibility for salary retention in determining whether he remained "in the same department," as required by section 507(a)(4) of the act.

§ 531.511 Work performance.

An employee who has not received an official rating of less than satisfactory covering any part of the 2-year period required to be served immediately prior to a demotion is eligible for salary retention.

§ 531.512 Rate determination.

(a) At the time of an employee's demotion, the department shall select a rate in the grade to which he is demoted which would have been the employee's rate of basic compensation if he were not entitled to a retained rate. When the department does not select a higher rate under § 531.203(b), it shall determine the rate as follows:

(1) When the employee's retained rate is equal to a rate in the grade to which he is demoted, that rate shall be selected.

(2) When the employee's retained rate falls between two rates of the grade to which he is demoted, the lower of the two rates shall be selected.

(3) When the employee's retained rate is above the maximum rate of the grade to which he is demoted, the maximum rate shall be selected.

(b) At the time of an employee's demotion, the department shall (1) record in the employee's Official Personnel Folder the rate selected in accordance with paragraph (a) of this section, and (2) make all determinations of within-grade increases, in accordance with Subpart D of this part, on this rate during the salary retention period and record these determinations in the employee's Official Personnel Folder.

§ 531.513 Retention period—reassignment.

(a) When an employee is reassigned to another position at his current grade level, the reassignment does not terminate his retained rate, except as provided in paragraph (b) of this section.

(b) When an employee is reassigned to another position at his current grade level for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work, the reassignment terminates his retained rate.

(c) An employee receiving a retained rate under Public Law 594, 84th Congress (70 Stat. 291), holds that retained rate without time limitation in accordance with that act. However, if the employee is reassigned, the department shall terminate his retained rate and adjust his rate of basic compensation in a manner comparable to that provided in § 531.515.

(d) When an employee's retained rate is terminated by reassignment, the department shall furnish him with a written notification of the effective date of the termination of the retained rate and of his right to appeal under § 531.516.

§ 531.514 Within-grade increases.

An employee with a retained rate is eligible for within-grade increase, only in the grade in which he is serving and on the rate selected under § 531.512.

§ 531.515 Pay adjustment.

When an employee's retained rate is terminated because of the expiration of the salary retention period, the department shall adjust his rate of basic compensation within the grade in which he is serving to the rate previously selected in accordance with § 531.512(a) together with any within-grade increases to which the employee became entitled during the salary retention period.

§ 531.516 Appeals to the Commission.

(a) *General.* An employee who is reduced in grade or compensation, or reassigned during his salary retention period, may appeal to the Commission from a decision of the department that (1) he is not entitled to salary retention, or (2) will terminate or adversely affect the salary retention he is currently receiving. This right of appeal does not in any way restrict an employee's entitlement to appeal to the Commission under another part of this chapter or under statute.

(b) *Departmental notification to employee.* When an employee is reduced in grade or compensation, or reassigned during a salary retention period, the department shall inform him in writing whether or not he is entitled to salary retention, or the salary retention he is currently receiving will be terminated or adversely affected. When a department decides that (1) an employee is not entitled to salary retention, or (2) the salary retention an employee is currently receiving will be terminated, the department shall inform him in writing of his right of appeal to the Commission under this section.

(c) *Time limit*—(1) *General.* Except as provided in subparagraph (2) of this paragraph, an employee may submit an appeal to the Commission at any time after his receipt of a decision to deny or terminate salary retention but not later than 30 calendar days after his demotion or reassignment has been effected.

(2) *Exceptions.* When an employee appeals a decision to deny or terminate salary retention to the department under established procedures, other than those based on Subpart B of Part 771 of this chapter, the time limit on an appeal to the Commission is not later than 30 calendar days after the final decision on the appeal to the department. The Commission may extend the time limits in this paragraph when the employee shows that he was not informed of his right of appeal or of the applicable time limit and was not otherwise aware of that right or that time limit, or that he was prevented by circumstances beyond his control from appealing within the time limit.

(d) *How submitted.* The appeal shall be in writing and shall set forth the

employee's reasons why he considers the department's decision erroneous, with such offer of proof and evidence as he is able to submit.

(e) *Departmental action when Commission recommends corrective action.* (1) It is mandatory that the department take all corrective action recommended in the Commission's initial decision on an appeal unless it makes a timely appeal to the Board of Appeals and Review.

(2) The decision of the Board is final and compliance with its recommendation for corrective action is mandatory.

PART 534—PAY UNDER OTHER SYSTEMS

Subpart A—[Reserved]

Subpart B—Trainees in Government Hospitals

Sec.

Subpart C—Scientific and Professional Positions Requiring Specially Qualified Personnel (Public Law 313-Type Positions)

Subpart A—[Reserved]

Subpart B—Trainees in Government Hospitals

AUTHORITY: §§ 201 to 205 issued under *sec. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052.*

§ 534.201 Exclusions from the Federal Employees Pay Act and the Classification Act.

In addition to the positions specifically excluded by the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 902), the Classification Act of 1949, as amended (5 U.S.C. 1082), and section 2 of the act of August 4, 1947 (5 U.S.C. 1052), the positions named in § 511.201 (b) of this chapter are excluded from the Federal Employees Pay Act and the Classification Act.

§ 534.202 Maximum stipends.

(a) The following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind) are prescribed for the positions named:

Auxiliary medical therapy students, Department of Health, Education, and Welfare, as follows: Vocational guidance counselors (student), recreation leaders (student), occupational therapists (student), vocational rehabilitation advisers (student), teachers (student) (educational administration and supervision), teachers (student) (business training), teachers (student) (music), teachers (student) (art), chaplains (student): Approved training after a minimum of one year college level training, part-time, per semester	$200.00
Chaplain interns, Department of Health, Education, and Welfare: First year approved clinical training following completion of three or more years approved postgraduate theological training	$3,600.00
Chaplain residents, Department of Health, Education, and Welfare: Fifteen months approved clinical training following completion of four or more years approved postgraduate theological training	5,250.00
Chaplain residents, Department of Health, Education, and Welfare: Third year approved clinical training following completion of five or more years approved postgraduate theological training	5,000.00
Chaplain student interns: Approved clinical training during second year approved postgraduate theological training: Department of Health, Education, and Welfare, per month	200.00
Government of the District of Columbia, no stipend other than any maintenance provided.	
Clinical psychology interns:	
Department of Health, Education, and Welfare: Second year approved postgraduate training (predoctoral)	3,400.00
Department of Health, Education, and Welfare and Government of the District of Columbia:	
Third year approved postgraduate training (predoctoral)	3,600.00
Fourth year approved postgraduate training (predoctoral)	4,000.00
Department of the Navy: Third year approved postgraduate training (predoctoral), no stipend other than any maintenance provided.	
Clinical psychology residents:	
Department of Health, Education, and Welfare and Government of the District of Columbia: First year approved postdoctoral training	6,000.00
Department of Health, Education, and Welfare: Second year approved postdoctoral training	7,000.00
Clinical psychology students, Department of Health, Education, and Welfare: First year approved postgraduate training	3,200.00
Counseling psychology interns and speech therapy interns, Department of Health, Education, and Welfare: Approved training during programs for graduate degree, no stipend other than any maintenance provided.	
Dental hygiene students, Department of Health, Education, and Welfare: Approved training during clinical affiliation, no stipend other than any maintenance provided.	
Dietetic interns (student dieticians): One year approved postgraduate training	2,000.00
Dietetic residents: Second year approved postgraduate training	2,400.00
Hospital administration interns, U.S. Public Health Service: First year approved postgraduate training	2,000.00
Hospital administration residents: Second year approved postgraduate training	3,400.00
Hospital administration residents, Freedmen's Hospital: Third year approved postgraduate training	2,600.00
Medical or dental interns and residents:	
Approved internship, per year	$3,800.00
First year approved residency	4,400.00
Second year approved residency	4,800.00
Third year approved residency	5,200.00
Fourth year approved residency	5,700.00
Medical record interns, U.S. Public Health Service: One year approved training, after a minimum of three years college level training	1,800.00
Medical record students, U.S. Public Health Service: One year approved training after two years college level training, no stipend other than any maintenance provided.	
Medical residents, Saint Elizabeths Hospital:	
First year approved residency	4,800.00
Second year approved residency	5,200.00
Third year approved residency	5,600.00
Medical student interns:	
Approved training during third year of medical school:	
Full-time, per month	200.00
Half-time, per month	100.00
Approved training during fourth year of medical school:	
Full-time, per month	216.00
Half-time, per month	108.00
Occupational therapy interns (student occupational therapists): Approved clinical training in affiliation with an approved school of occupational therapy, per month	166.00
Occupational therapy students, Department of the Army: Approved training after a minimum of one year college level training, per month	166.00
Pharmaceutical interns, U.S. Public Health Service: One year approved postgraduate training	2,000.00
Physical therapy interns (student physical therapists): Approved clinical training in affiliation with an approved school of physical therapy, per month	166.00
Physical therapy students, Department of the Army: Approved training after a minimum of one year college level training, per month	166.00
Practical nurse affiliates, Saint Elizabeths Hospital: Three months approved postgraduate training, no stipend other than any maintenance provided.	
Psychiatric nurse interns (postgraduate student nurses), Saint Elizabeths Hospital and U.S. Public Health Service: One year approved postgraduate training	2,000.00
Psychiatric nurse students, Saint Elizabeths Hospital: Approved training, undergraduate level per month	125.00
Psychodrama interns, Department of Health, Education, and Welfare:	
First year approved postgraduate training	3,200.00
Second year approved postgraduate training	3,400.00
Third year approved postgraduate training	3,600.00
Psychodrama residents, Department of Health, Education, and Welfare:	
Fourth year approved postgraduate training	4,000.00
Fifth year approved postgraduate training or first year approved postdoctoral training	5,000.00

Psychology student trainee, Department of the Navy: Approved postgraduate training in a summer practicum following attainment of bachelor's degree, no stipend other than any maintenance provided.	
Recreation interns, Department of Health, Education, and Welfare: One year approved postgraduate training	$2,000.00
Social worker interns (student social workers), U.S. Public Health Service: Approved postgraduate training during program for the Master of Science degree, part-time, per month	87.50
Sociology interns, Department of Health, Education, and Welfare: Approved postgraduate training during program for graduate degree, no stipend other than any maintenance provided.	
Student dental assistants, Department of Health, Education, and Welfare: Approved training during clinical affiliation, no stipend other than any maintenance provided.	
Student dental technicians, Department of Health, Education, and Welfare: Approved training during clinical affiliation, per hour	1.50
Student dietitians, Department of the Army and Department of Health, Education and Welfare: Approved training after a minimum of three years college level training, per month	166.00
Student education therapists and student manual arts therapists, Department of Health, Education, and Welfare: Approved training after a minimum of two years college level training, no stipend other than any maintenance provided.	
Student hospital administration interns, U.S. Public Health Service: Approved training prior to first year postgraduate training in hospital administration, no stipend other than any maintenanced provided.	
Student laboratory technicians, Department of the Army and U.S. Public Health Service: One year approved training after a minimum of two years college level training	1,600.00
Student medical librarians: First and second years approved postgraduate training during program for the Master of Science degree, total for the program, half-time	2,300.00
Student medical technologists (interns), Department of the Army and U.S. Public Health Service: One year approved training after a minimum of three years college level training	2,000.00
Student medical typists, Department of Health, Education, and Welfare: Approved training for a 90-day period, no stipend other than any maintenance provided.	
Student nurse anesthetists, Department of Health, Education, and Welfare: Eighteen months approved postgraduate training, per year	2,000.00
Student nurses:	
Total for three years training (diploma course)	$5,100.00
Department of the Army: Approved training in a degree program, after a minimum of two years college level training, part-time, per month	85.00
Student nursing assistants, Department of Health, Education, and Welfare: Eighteen weeks approved clinical training, no stipend other than any maintenance provided.	
Student pharmacists/ U.S. Public Health Service: Approved training after a minimum of three years college level training, part-time, per month	22.50
Student practical nurses:	
D.C. General Hospital: Approved training during clinical affiliation, per month	20.00
Department of Health, Education, and Welfare: One year approved training, per month	100.00
U.S. Public Health Service: Approved training during clinical affiliation, U.S. Public Health Service hospitals generally, no stipend other than any maintenance provided; U.S. Public Health Service Hospital, New Orleans, Louisiana, per month	42.00
Student public health nutritionists, Department of Health, Education, and Welfare: Approved training during a program for a graduate degree, no stipend other than any maintenance provided.	
Student X-ray technicians:	
U.S. Public Health Service:	
First nine months approved training, per month	100.00
Subsequent three to nine months approved training per month	116.00
Department of Health, Education, and Welfare:	
First twelve months approved training, per month	116.00
Second twelve months approved training, per month	133.00

(b) The maximum stipends for Public Health Service positions in which duty requires intimate contact with persons afflicted with leprosy are increased above the rates prescribed in paragraph (a) of this section to the same extent that additional compensation is provided by Public Health Service Regulations (42 CFR 22.1) for employees under the Classification Act of 1949, as amended.

§ 534.203 Stipends of trainees assigned to Federal hospitals as affiliates.

A trainee at a non-Federal hospital assigned to a Federal hospital as an affiliate for part of his training may not receive a stipend from the Federal hospital other than any maintenance provided.

§ 534.204 Agency requests for additional exclusions.

(a) An agency may request the Commission to:

(1) Exclude from the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, positions in addition to those referred to in § 534.201 which are filled by student-employees who are assigned or attached to a hospital, clinic, or medical or dental laboratory; and

(2) Approve maximum stipends not provided in § 534.202.

The agency shall submit each request to the Commission with full supporting information, including complete identification of the positions concerned.

§ 534.205 Extent of regulations.

Maximum stipends provided in § 534.202 apply to any hospital, clinic, or medical or dental laboratory, operated by any department, agency, or instrumentality of the Federal Government or by the District of Columbia, unless rates of compensation are otherwise provided by law.

Subpart C—Scientific and Professional Positions Requiring Specially Qualified Personnel (Public Law 313-Type Positions)

§ 534.301 Approval of agency pay determinations and adjustments.

Each rate of compensation fixed for a scientific or professional position requiring specially qualified personnel under Public Law 80-313, or a similar statute, is subject to the prior approval of the Commission. The prior approval of the Commission is required for both original and subsequent appointments to these positions, and for the pay adjustment for an incumbent of such a position. When an agency requests the approval of the Commission for a rate of compensation or a pay adjustment, it shall submit adequate supporting information.

(Sec. 1, 61 Stat. 715, as amended; 5 U.S.C. 1161)

PART 539—CONVERSIONS BETWEEN PAY SYSTEMS

Subpart A—[Reserved]

Subpart B—Conversions to Classification Act Pay System

Sec.
539.201 Applicability.
539.202 Definitions.
539.203 Rate of basic compensation in conversion actions.

AUTHORITY: §§ 539.201 to 539.203 issued under sec. 1101, 63 Stat. 971, sec. 802(d) as added by sec. 604(b), 76 Stat. 848; 5 U.S.C. 1072, 1132(d).

Subpart A—[Reserved]

Subpart B—Conversions to Classification Act Pay System

§ 539.201 Applicability.

This subpart applies in fixing the rate of basic compensation of each officer and employee initially brought under the Classification Act by converting his position to a position subject to the act.

§ 539.202 Definitions.

In this subpart:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Department" has the meaning given that word by section 201(a) of the act.

(c) "Employee" means an officer or employee of a department to whom this subpart applies.

(d) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

§ 539.203 Rate of basic compensation in conversion actions.

When an employee occupies a position not subject to the Classification Act and the employee and his position are initially brought under the act pursuant to a reorganization plan or other legislation, an Executive order, or a decision of the Commission under section 203 of the act, the department shall determine the employee's rate of basic compensation as follows:

(a) When the employee is receiving a rate of basic compensation below the minimum rate of the grade in which his position is placed, his compensation shall be increased to the minimum rate.

(b) When the employee is receiving a rate of basic compensation equal to a rate in the grade in which his position is placed, his compensation shall be fixed at that rate.

(c) When the employee is receiving a rate of basic compensation that falls between two rates of the grade in which his position is placed, his compensation shall be fixed at the higher of the two rates.

(d) When the employee is receiving a rate of basic compensation above the maximum rate of the grade in which his position is placed, he is entitled to retain his former rate as long as he remains continuously in the same position or in a position of higher grade in the same department, or until he receives a higher rate of basic compensation by operation of the act and Part 531 of this chapter. The employee may retain his former rate on subsequent reassignment as defined in § 531.202(m) of this chapter. If the employee is subsequently demoted to a position under the act, the department shall determine his rate of basic compensation in accordance with § 531.203(b) or Subpart E of Part 531 of this chapter, as appropriate.

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart A—Premium Pay

GENERAL PROVISIONS

OVERTIME PAY

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Subpart A—Premium Pay

AUTHORITY §§ 550.101 to 550.164 issued under sec. 605, 59 Stat. 304; 5 U.S.C. 945; §§ 550.141 to 550.164 also issued under sec. 401, added by sec. 208(a), 68 Stat. 1111, as amended; 5 U.S.C. 926.

GENERAL PROVISIONS

§ 550.101 Coverage and exemptions.

(a) *Employees to whom this subpart applies.* (1) This subpart applies to each civilian officer and employee in or under the executive branch of the Federal Government, including a Government-owned or controlled corporation, except those named in paragraph (b) of this section.

(2) The sections in this subpart incorporating special provisions for certain types of work (§§ 550.141 to 550.164, inclusive) apply also to each officer and employee of the judicial branch, legislative branch, and the government of the District of Columbia who is subject to titles II, III, and IV of the Federal Employees Pay Act of 1945, as amended.

(b) *Employees to whom this subpart does not apply.* This subpart does not apply to:

(1) An elected official;

(2) The head of a department;

(3) An officer or employee in the field service of the Post Office Department;

(4) An employee whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by a wage board or similar administrative authority serving the same purpose, except that § 550.113(d) is applicable to such an employee whose rate of basic compensation is fixed on an annual or monthly basis;

(5) An employee outside the continental United States or in Alaska who is paid in accordance with local prevailing wage rates for the area in which employed;

(6) An officer or employee of the Inland Waterways Corporation;

(7) An officer or employee of the Tennessee Valley Authority;

(8) An officer or employee of the Central Intelligence Agency (sec. 10, 63 Stat. 212, as amended; 50 U.S.C. 403j);

(9) A seaman to whom section 1(a) of the act of March 24, 1943 (57 Stat. 45; 50 U.S.C. App. 1291(a)) applies;

(10) An officer or member of the United States Park Police or the White House Police;

(11) An officer or member of the crew of a vessel, whose compensation is fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry (30 Comp. Gen. 158);

(12) A civilian keeper of a lighthouse, or a civilian employed on a lightship or another vessel of the Coast Guard (14 U.S.C. 432(f));

(13) A physician, dentist, nurse, or any other employee in the Department of Medicine and Surgery, Veterans Administration, whose compensation is fixed under chapter 73, title 38, United States Code;

(14) A student nurse, medical or dental intern, resident-in-training, student dietician, student physical therapist, or student occupational therapist, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by a department, agency, or intrumentality of the Federal Government or any other student employee, assigned or attached to such a hospital, clinic, or laboratory primarily for training purposes, who is designated by the head of the department, agency, or instrumentality with the approval of the Commission;

(15) An employee of the Weather Bureau, Department of Commerce, engaged in the conduct of meteorological investigations in the Arctic region (62 Stat. 286; 15 U.S.C. 327);

(16) An officer or employee of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives; or

(17) A "teacher" or an individual holding a "teaching position" as defined by 5 U.S.C. 2351 (5 U.S.C. 2358(a)).

(c) *Services to which this subpart does not apply.* This subpart does not apply to overtime, night, or holiday services for which additional compensation is provided by the act of:

(1) February 13, 1911, as amended (36 Stat. 899, as amended; 19 U.S.C. 261,

267), involving inspectors, storekeepers, weighers, and other customs officers and employees;

(2) July 24, 1919 (41 Stat. 241; 7 U.S.C. 394), involving employees engaged in enforcement of the Meat Inspection Act;

(3) June 17, 1930, as amended (46 Stat. 715, as amended; 19 U.S.C. 1450, 1451, 1452), involving customs officers and employees;

(4) March 2, 1931 (46 Stat. 1467; 5 U.S.C. 342c), involving inspectors and employees, Immigration and Naturalization Service;

(5) May 27, 1936, as amended (49 Stat. 1380, as amended; 46 U.S.C. 382b), involving local inspectors of steam vessels and assistants, U.S. shipping commissioners, deputies, and assistants, and customs officers and employees;

(6) March 23, 1941 (55 Stat. 46; 47 U.S.C. 154(f)(3)), involving certain engineers of the Federal Communications Commission;

(7) June 3, 1944 (58 Stat. 269; 19 U.S.C. 1451a), involving customs officers and employees;

(8) August 4, 1949 (63 Stat. 495; 7 U.S.C. 349a), involving employees of the Bureau of Animal Industry who work at establishments which prepare virus, serum, toxin, and analogous products for use in the treatment of domestic animals; or

(9) August 28, 1950 (64 Stat. 561; 5 U.S.C. 576), involving employees of the Department of Agriculture performing inspection or quarantine services relating to imports into and exports from the United States.

§ 550.102 Entitlement.

A department (and for the purpose of §§ 550.141 to 550.164, inclusive, a legislative or judicial agency and the government of the District of Columbia) shall determine an employee's entitlement to premium pay in accordance with the Act and this subpart.

§ 550.103 Definitions.

In this subpart:

(a) "Act" means the Federal Employees Pay Act of 1945, as amended.

(b) "Department" means an executive department, a military department, and an independent establishment or agency in the executive branch of the Federal Government, including a Government-owned or controlled corporation.

(c) "Agency" means (1) a department as defined in paragraph (b) of this section, (2) the government of the District of Columbia, and (3) a legislative or judicial agency which has positions that are subject to titles II, III, and IV of the Act.

(d) "Employee" means an officer or employee to whom this subpart applies.

(e) "Head of a department" means the head of department and, except for the purpose of § 550.101(b)(2), an official who has been delegated authority to act for the head of a department in the matter concerned.

(f) "Night pay differential" means the additional compensation authorized by section 301 of the Act for nightwork.

(g) "Irregular or occasional overtime work" means overtime work which is not regularly scheduled.

(h) "Regular overtime work" means overtime work which is regularly scheduled.

(i) "Overtime work" has the meaning given that term by § 550.111(a), and includes irregular or occasional overtime work and regular overtime work.

(j) "Premium pay" means additional compensation authorized by the Act and this subpart for overtime, night, or holiday work, and standby duty.

(k) "Rate of basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional compensation of any kind.

(l) "Tour of duty" means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that are scheduled in advance and during which an employee is required to perform work on a regularly recurring basis.

(m) "Administrative workweek" means a period of 7 consecutive calendar days designated in advance by the head of a department under section 604(a) of the Act.

(n) "Basic workweek," for full-time employees, means the 40-hour workweek established in accordance with § 610.111 of this chapter.

(o) "Regularly scheduled administrative workweek," for full-time employees, means the period within an administrative workweek established in accordance with § 610.111 of this chapter within which these employees are required to be on duty regularly. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which these employees are required to be on duty regularly.

§ 550.104 General pay computation method.

(a) For pay computation purposes affecting an employee, the annual rate of basic compensation established by or under statute is deemed payment for employment during 52 basic workweeks.

(b) When it is necessary for computation of premium pay under this subpart to convert an annual rate of basic compensation to a basic hourly, daily, weekly, or biweekly rate, the following rules govern:

(1) To derive an hourly rate, divide the annual rate by 2,080.

(2) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required.

(3) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

Rates are computed in full cents, counting a fraction of a cent as the next higher cent.

§ 550.105 Maximum limitation.

An employee may be paid premium pay under this subpart only to the extent that the payment does not cause his aggregate rate of compensation for any pay period to exceed the maximum rate for GS–15.

Overtime Pay

§ 550.111 Authorization of overtime pay.

(a) Overtime work means each hour of work in excess of 40 hours in an administrative workweek that is:

(1) Officially ordered or approved; and

(2) Performed by an employee.

(b) Except as otherwise provided in this subpart, a department shall pay for overtime work at the rates provided in § 550.113.

(c) Overtime work in excess of any included in a regularly scheduled administrative workweek may be ordered or approved only in writing by an officer or employee to whom this authority has been specifically delegated.

§ 550.112 Computation of overtime work.

The computation of the amount of overtime work of an employee is subject to the following conditions:

(a) *Leave with pay.* An employee's absence from duty on authorized leave with pay under the Annual and Sick Leave Act of 1951, as amended, during the time when he would otherwise have been required to be on duty during a basic workweek (including authorized absence on a legal holiday, on a nonworkday established by Executive or administrative order, and on compensatory time off as provided in § 550.114) is deemed employment and does not reduce the amount of overtime pay to which the employee is entitled during an administrative workweek. Leave of absence with pay under the Annual and Sick Leave Act of 1951, as amended, is charged only for an absence that occurs during a basic workweek.

(b) *Leave without pay.* For a period of leave without pay in an employee's basic workweek, an equal period of service performed outside the basic workweek, but in the same administrative workweek, shall be substituted and paid for at the rate applicable to his basic workweek before any remaining period of service may be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as provided by paragraph (a) of this section, as expressly authorized by statute, or to the extent authorized while the employee is in a travel status, a period is counted as overtime work only when the employee actually performs work during the period or is taking compensatory time off as provided in § 550.114.

(d) *Night or holiday work.* Hours of night or holiday work are included in determining for overtime pay purposes the total number of hours of employment in the same administrative workweek.

(e) *Time in travel status.* Time in travel status away from the official duty-station of an employee is deemed employment only when:

(1) It is within his regularly scheduled administrative workweek, including regular overtime work; or

(2) The travel involves the performance of actual work while traveling or is carried out under such arduous and unusual conditions that the travel is inseparable from work.

(f) *Call-back overtime work.* Irregular or occasional overtime work performed by an employee on a day when work was not scheduled for him, or for which he is required to return to his place of employment, is deemed at least 2 hours in duration for the purpose of premium pay, either in money or compensatory time off.

§ 550.113 Computation of overtime pay.

(a) For each officer or employee whose rate of compensation does not exceed the minimum rate of grade GS–9 of the Classification Act of 1949, as amended, the overtime hourly rate is one and one-half times his hourly rate of basic compensation.

(b) For each officer or employee whose rate of basic compensation exceeds the minimum rate of GS–9 of the Classification Act of 1949, as amended, the overtime hourly rate is one and one-half times the hourly rate of basic compensation at the minimum rate of grade GS–9.

(c) An employee is compensated for overtime work performed on a Sunday or a holiday at the same rate as for overtime work performed on another day.

(d) An employee whose rate of basic compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by a wage board or similar administrative authority serving the same purpose is entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934, as amended (48 Stat. 522, as amended; 5 U.S.C. 673c). The rate of compensation for each hour of overtime work of such an employee is computed as follows:

(1) If the rate of basic compensation of the employee is fixed on an annual basis, divide the rate of basic compensation by 2,080 and multiply the quotient by one and one-half; and

(2) If the rate of basic compensation of the employee is fixed on a monthly basis, multiply the rate of basic compensation by 12 to derive an annual rate of basic compensation, divide the annual rate of basic compensation by 2,080 and multiply the quotient by one and one-half. Rates are computed in full cents, counting a fraction of a cent as the next higher cent.

§ 550.114 Compensatory time off for irregular or occasional overtime work.

(a) At the request of an employee, the head of a department may grant him compensatory time off from his tour of duty instead of payment under § 550.113 for an equal amount of irregular or occasional overtime work.

(b) The head of a department may provide that an employee whose rate of basic compensation exceeds the maximum rate of grade GS–9 of the Classification Act of 1949, as amended, shall be compensated for irregular or occasional overtime work with an equivalent amount of compensatory time off from his tour of duty instead of payment under § 550.113.

(c) The head of a department may fix a time limit for an employee to request or take compensatory time off and may provide that an employee who fails to take compensatory time off to which he is entitled under paragraph (a) or (b) of this section before the time limit fixed, shall lose his right both to compensatory time off and to overtime pay unless his failure is due to an exigency of the service beyond his control.

NIGHT PAY

§ 550.121 Authorization of night pay differential.

(a) Except as provided by paragraph (b) of this section, nightwork is regularly scheduled work between the hours of 6:00 p.m. and 6:00 a.m. Subject to § 550.122, and except as otherwise provided in this subpart, an employee is entitled to compensation for nightwork at his rate of basic compensation plus a night pay differential amounting to 10 percent of his rate of basic compensation.

(b) The head of a department may designate a time after 6:00 p.m. and a time before 6:00 a.m. as the beginning and end, respectively, of nightwork for the purpose of paragraph (a) of this section, at a post outside the United States where the customary hours of business extend into the hours of nightwork provided by paragraph (a) of this section. Times so designated as the beginning or end of nightwork shall correspond reasonably with the end or beginning, respectively, of the customary hours of business in the locality.

§ 550.122 Computation of night pay differential.

(a) *Absence on holidays or in travel status.* An employee is entitled to a night pay differential for a period when he is excused from nightwork on a holiday or other nonworkday and for night hours of his tour of duty while he is in an official travel status, whether performing actual duty or not.

(b) *Absence on leave.* An employee is entitled to a night pay differential for a period of paid leave only when the total amount of that leave in a pay period, including both night and day hours, is less than 8 hours.

(c) *Relation to overtime and holiday pay.* Night pay differential is in addition to overtime or holiday compensation payable under this subpart and it is not included in the rate of basic compensation used to compute the overtime or holiday compensation. An employee earns the same amount of night pay differential during a night overtime period, whether he is paid in money or granted compensatory time off for the overtime work.

(d) *Temporary assignment to different tour of duty.* An employee is entitled to a night pay differential for nightwork performed when he is assigned temporarily to a tour of duty other than his own.

PAY FOR HOLIDAY WORK

§ 550.131 Authorization of pay for holiday work.

(a) Except as otherwise provided in this subpart, an employee who performs work on a holiday is entitled to compensation at his rate of basic compensation plus premium pay at a rate equal to his rate of basic compensation for that holiday work which is not:

(1) In excess of 8 hours; or

(2) Overtime work.

(b) An employee is entitled to compensation for overtime work on a holiday at the same rate as for overtime work on other days.

(c) An employee who is assigned to duty on a holiday is entitled to compensation for at least 2 hours of holiday work.

§ 550.132 Relation to overtime and night pay.

(a) Premium pay for holiday work is in addition to overtime compensation or night pay differential payable under this subpart and is not included in the rate of basic compensation used to compute the overtime compensation or night pay differential.

(b) Notwithstanding premium pay for holiday work, the number of hours of holiday work are included in determining for overtime pay purposes the total number of hours of work performed in the administrative workweek in which the holiday occurs.

(c) The number of regularly scheduled hours of duty on a holiday that fall within an employee's basic workweek on which the employee is excused from duty are part of the basic workweek for overtime pay computation purposes.

REGULARLY SCHEDULED STANDBY DUTY PAY

§ 550.141 Authorization of premium pay on an annual basis.

An agency may pay premium pay on an annual basis, instead of the premium pay prescribed in this subpart for regularly scheduled overtime, night, and holiday work, to an employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work. Premium pay under this section is determined as an appropriate percentage, not in excess of 25 percent, of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS–9.

§ 550.142 General restrictions.

An agency may pay premium pay under § 550.141 only if that premium pay, over a period appropriate to reflect the full cycle of the employee's duties and the full range of conditions in his position, would be:

(a) More than the premium pay which would otherwise be payable under this subpart for the hours of actual work customarily required in his position, excluding standby time during which he performs no work; and

(b) Less than the premium pay which would otherwise be payable under this subpart for the hours of duty required in his position, including standby time during which he performs no work.

§ 550.143 Bases for determining positions for which premium pay under § 550.141 is authorized.

(a) The requirement for the type of position referred to in § 550.141 that an employee regularly remain at, or within the confines of, his station must meet all the following conditions:

(1) The requirement must be definite and the employee must be officially ordered to remain at his station. The employee's remaining at his station must not be merely voluntary, desirable, or a result of geographic isolation, or solely because the employee lives on the grounds.

(2) The hours during which the requirement is operative must be included in the employee's tour of duty. This tour of duty must be established on a regularly recurring basis over a substantial period of time, generally at least a few months. The requirement must not be occasional, irregular, or for a brief period.

(3) The requirement must be associated with the regularly assigned duties of the employee's job, either as a continuation of his regular work which includes standby time, or as a requirement to stand by at his post to perform his regularly assigned duties if the necessity arises.

(b) The words "at, or within the confines of, his station", in § 550.141 mean one of the following:

(1) At an employee's regular duty station.

(2) In quarters provided by an agency, which are not the employee's ordinary living quarters, and which are specifically provided for use of personnel required to stand by in readiness to perform actual work when the need arises or when called.

(3) In an employee's living quarters, when designated by the agency as his duty station and when his whereabouts is narrowly limited and his activities are substantially restricted. This condition exists only during periods when an employee is required to remain at his quarters and is required to hold himself in a state of readiness to answer calls for his services. This limitation on an employee's whereabouts and activities is distinguished from the limitation placed on an employee who is subject to call outside his tour of duty but may leave his quarters provided he arranges for someone else to respond to calls or leaves a telephone number by which he can be reached should his services be required.

(c) The words "longer than ordinary periods of duty" in § 550.141 mean more than 40 hours a week.

(d) The words "a substantial part of which consists of remaining in a standby status rather than performing work" in § 550.141 refer to the entire tour of duty. This requirement is met:

(1) When a substantial part of the entire tour of duty, at least 25 percent, is spent in a standby status which occurs throughout the entire tour;

(2) If certain hours of the tour of duty are regularly devoted to actual work and others are spent in a standby status, that part of the tour of duty devoted to standing by is at least 25 percent of the entire tour of duty; or

(3) When an employee has a basic workweek requiring full-time performance of actual work and is required, in addition, to perform standby duty on certain nights, or to perform standby duty on certain days not included in his basic workweek.

(e) An employee is in a standby status, as referred to in § 550.141, only at times when he is not required to perform actual work and is free to eat, sleep, read, listen to the radio, or engage in other similar pursuits. An employee is performing actual work, rather than being in a standby status, when his full attention is devoted to his work, even though the nature of his work does not require constant activity (for example, a guard on duty at his post and a technician continuously observing instruments are engaged in the actual work of their positions). Actual work includes both work performed during regular work periods and work performed when called out during periods ordinarily spent in a standby status.

§ 550.144 Rates of premium pay payable under § 550.141.

(a) An agency may pay the premium pay on an annual basis referred to in § 550.141, to an employee who meets the requirements of that section, at one of the following percentages of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS–9:

(1) A position with a tour of duty of the 24 hours on duty, 24 hours off duty type and with a schedule of: 60 hours a week—5 percent, unless 25 or more hours of actual work is cutomarily required, in which event—10 percent; 72 hours a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event—20 percent; 84 hours or more a week—25 percent.

(2) A position with a tour of duty requiring the employee to remain on duty during all daylight hours each day, or for 12 hours each day, or for 24 hours each day, with the employee living at his station during the period of his assignment to his tour, and with a schedule of: 5 days a week—5 percent, unless 25 or more hours of actual work is cutomarily required, in which event—10 percent; 6 days a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event 20 percent; 7 days a week—25 percent.

(3) A position in which the employee has a basic workweek requiring fulltime performance of actual work, and is required, in addition, to remain on standby duty; 14 to 18 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—15 percent; 19 to 27 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—20 percent; 28 or more hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—25 percent; 7 to 9 hours on one or more of his regular weekly nonworkdays—15 percent; 10 to 13 hours on one or more of his regular weekly nonworkdays—15 percent; 14 or more hours on one or more of his regular weekly nonworkdays—25 percent.

(b) If an employee is eligible for premium pay on an annual basis under § 550.141, but none of the percentages in paragraph (a) of this section is applicable, or unusual conditions are present which seem to make the applicable rate unsuitable, the agency may propose a rate of premium pay on an annual basis for the Commission's approval. The proposal shall include full information bearing on the employee's tour of duty; the number of hours of actual work required and how it is distributed over the tour of duty; the number of hours in a standby status required and the extent to which the employee's whereabouts and activities are restricted during standby periods; the extent to which the assignment is made more onerous by night or holiday duty or by hours of duty beyond 40 a week; and any other pertinent conditions.

ADMINISTRATIVELY UNCONTROLLABLE WORK

§ 550.151 Authorization of premium pay on an annual basis.

An agency may pay premium pay on an annual basis, instead of other premium pay prescribed in this subpart except premium pay for regular overtime work, to an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular or occasional overtime work and work at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. Premium pay under this section is determined as an appropriate percentage, not in excess of 15 percent, of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS–9.

§ 550.152 General restrictions.

An agency may pay premium pay under § 550.151 only if that premium pay, over a period appropriate to reflect the full cycle of the employee's duties and the full range of conditions in his position, would be less than the premium pay which would otherwise be payable under this subpart for the hours of duty required in his position, exclusive of regular overtime work.

§ 550.153 Bases for determining positions for which premium pay of 15 percent under § 550.151 is authorized.

(a) The requirement in § 550.151 that a position be one in which the hours of duty cannot be controlled administratively is inherent in the nature of such a position. A typical example of a position which meets this requirement is that of an investigator of criminal activities whose hours of duty are governed by what criminals do and when they do

it. He is often required to perform such duties as shadowing suspects, working incognito among those under suspicion, searching for evidence, meeting informers, making arrests, and interviewing persons having knowledge of criminal or alleged criminal activities. His hours on duty and place of work depend on the behavior of the criminals or suspected criminals and cannot be controlled administratively. In such a situation, the hours of duty cannot be controlled by such administrative devices as hiring additional personnel; rescheduling the hours of duty (which can be done when, for example, a type of work occurs primarily at certain times of the day); or granting compensatory time off duty to offset overtime hours required.

(b) In order to satisfactorily discharge the duties of a position referred to in § 550.151, an employee is required to perform substantial amounts of irregular or occasional overtime work and work at night and on holidays. In regard to this requirement:

(1) A substantial amount of irregular or occasional overtime work means an average of at least 6 hours a week of that overtime work.

(2) The irregular or occasional overtime work is a continual requirement, generally averaging more than once a week.

(3) There must be a definite basis for anticipating that the irregular or occasional overtime work will continue over an appropriate period with a duration and frequency sufficient to meet the requirements under subparagraphs (2) and (3) of this paragraph, and that night and holiday work will be performed from time to time.

(c) The words in § 550.151 that an employee is generally "responsible for recognizing, without supervision, circumstances which require him to remain on duty" mean that:

(1) The responsibility for an employee remaining on duty when required by circumstances must be a definite, official, and special requirement of his position.

(2) The employee must remain on duty not merely because it is desirable, but because of compelling reasons inherently related to continuance of his duties, and of such a nature that failure to carry on would constitute negligence.

(3) The requirement that the employee is responsible for recognizing circumstances does not include such clear-cut instances as, for example, when an employee must continue working because a relief fails to report as scheduled.

(d) The words "circumstances which require him to remain on duty" as used in § 550.151 mean that:

(1) The employee is required to continue on duty in continuation of a full daily tour of duty or that after the end of his regular workday, the employee resumes duty in accordance with a prearranged plan or an awaited event. Performance of only call-back overtime work referred to in § 550.112(f) does not meet this requirement.

(2) The employee has no choice as to when or where he may perform the work when he remains on duty in continuation of a full daily tour of duty. This differs from a situation in which an employee has the option of taking work home or doing it at the office; or doing it in continuation of his regular hours of duty or later in the evening. It also differs from a situation in which an employee has such latitude in his working hours, as when in a travel status, that he may decide to begin work later in the morning and continue working later at night to better accomplish a given objective.

§ 550.154 Rates of premium pay payable under § 550.151.

(a) An agency may pay the premium pay on an annual basis referred to in § 550.151 to an employee who meets the requirements of that section, at the rate of 15 percent of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS–9.

(b) If an agency proposes to pay an employee premium pay on an annual basis under § 550.151 but unusual conditions seem to make the applicable rate in paragraph (a) of this section unsuitable, the agency may propose a lesser rate of premium pay on an annual basis for the Commission's approval. The proposal shall include full information bearing on the frequency and duration of the irregular or occasional overtime work and the night and holiday work required; the nature of the work which prevents hours of duty from being controlled administratively; the necessity for the employee's being generally responsible for recognizing, without supervision, circumstances which require him to remain on duty; and any other pertinent conditions.

General Rules Governing Payments of Premium Pay on an Annual Basis

§ 550.161 Responsibilities of the agencies.

The head of each agency, or an official who has been delegated authority to act for the head of an agency in the matter concerned, is responsible for:

(a) Fixing tours of duty; ordering employees to remain at their stations in a standby status; and placing responsibility on employees for remaining on duty when required by circumstances.

(b) Determining, in accordance with section 401(1) and section 401(2) of the act and this subpart, which employees shall receive premium pay on an annual basis under section 550.141 or section 550.151. These determinations may not be retroactive.

(c) Determining the number of hours of actual work to be customarily required in positions involving longer than ordinary periods of duty, a substantial part of which consists of standby duty. This determination shall be based on consideration of the time required by regular, repetitive operations, available records of the time required in the past by other activities, and any other information bearing on the number of hours of actual work which may reasonably be expected to be required in the future.

(d) Determining the number of hours of irregular or occasional overtime work to be customarily required in positions which require substantial amounts of irregular or occasional overtime work, and work at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty. This determination shall be based on consideration of available records of the hours of irregular or occasional overtime work required in the past, and any other information bearing on the number of hours of duty which may reasonably be expected to be required in the future.

(e) Determining the rate of premium pay fixed by the Commission under § 550.144 or § 550.154 which is applicable to each employee compensated under § 550.141 or § 550.151; or, if no rate fixed under § 550.144 or § 550.154 is considered applicable, proposing a rate of premium pay on an annual basis to the Commission.

(f) Reviewing determinations under paragraphs (b), (c), (d) and (e) of this section at appropriate intervals, and discontinuing payments or revising rates of premium pay on an annual basis in each instance when that action is necessary to meet the requirements of section 401(1) or section 401(2) of the act and this subpart.

§ 550.162 Payment provisions.

(a) Except as otherwise provided in this section, an employee's premium pay on an annual basis under § 550.141 or § 550.151 begins on the date that he enters on duty in the position concerned for purposes of basic compensation, and ceases on the date that he ceases to be paid basic compensation in the position.

(b) When an employee is in a position in which conditions warranting premium pay on an annual basis under § 550.141 or § 550.151 exist only during a certain period of the year, such as during a given season, an agency may pay the employee premium pay on an annual basis only during the period he is subject to these conditions.

(c) An agency may continue to pay an employee premium pay on an annual basis under § 550.141 or § 550.151:

(1) For a period of not more than 10 consecutive prescribed workdays on temporary assignment to other duties in which conditions do not warrant payment of premium pay on an annual basis, and for a total of not more than 30 workdays in a calendar year while on such a temporary assignment.

(2) For an aggregate period of not more than 60 prescribed workdays on temporary assignment to a formally approved program for advanced training duty directly related to duties for which premium pay on an annual basis is payable.

An agency may not continue to pay an employee premium pay on an annual basis under this paragraph for more than 60 workdays in a calendar year.

(d) When an employee is not entitled to premium pay on an annual basis under § 550.141 or § 550.151, he is entitled to be paid for overtime, night and holiday work in accordance with other sections of this subpart.

(e) An agency shall continue to pay an employee premium pay on an annual

basis under § 550.141 or § 550.151 while he is on leave with pay during a period in which premium pay on an annual basis is payable under paragraphs (a), (b), and (c) of this section.

§ 550.163 Relationship to other payments.

(a) An employee receiving premium pay on an annual basis under § 550.141 may not receive premium pay for regular overtime work or work at night or on a holiday under any other section of this subpart. An agency shall pay the employee in accordance with §§ 550.113 and 550.114 for irregular or occasional overtime work in excess of his weekly tour of duty.

(b) An employee receiving premium pay on an annual basis under § 550.151 may not receive premium pay for irregular or occasional overtime work or work at night or on a holiday under any other section of this subpart. An agency shall pay the employee in accordance with other sections of this subpart for regular overtime work.

(c) Overtime, night, or holiday work compensated under any statute other than the act is not a basis for payment of premium pay on an annual basis under § 550.141 or § 550.151.

(d) Premium pay on an annual basis under § 550.141 or § 550.151 is not base pay and is not included in the base used in computing retirement deductions, foreign and nonforeign allowances and differentials, or any other benefits or deductions that are computed on base pay alone.

§ 550.164 Construction and computation of existing aggregate rates.

(a) Pursuant to section 208(b) of the act of September 1, 1954 (68 Stat. 1111), nothing in this subpart relating to the payment of premium pay on an annual basis may be construed to decrease the existing aggregate rate of compensation of an employee on the rolls of an agency immediately before the date section 401 of the act is made applicable to him by administrative action.

(b) When it is necessary to determine an employee's existing aggregate rate of compensation (referred to in this section as existing aggregate rate), an agency shall determine it on the basis of the earnings the employee would have received over an appropriate period (generally 1 year) if his tour of duty immediately before the date section 401 of the act is made applicable to him had remained the same. In making this determination, basic compensation and premium pay for overtime, night, and holiday work are included in the earnings the employee would have received. Premium pay for irregular or occasional overtime work may be included only if it was of a significant amount in the past and the conditions which required it are expected to continue.

(c) An agency shall recompute an employee's rate of compensation based on premium pay on an annual basis when he receives subsequent increases in his rate of basic compensation in order to determine whether or not the employee should continue to receive an existing aggregate rate or be paid premium pay on an annual basis.

(d) Except as otherwise provided by statute, an agency may not use subsequent increases in an employee's rate of basic compensation to redetermine or increase the employee's existing aggregate rate. However, these increases shall be used for other pay purposes, such as the computation of retirement deductions and annuities, payment of overseas allowances and post-differentials, and determination of the highest previous rate under Part 531 of this chapter.

(e) When an agency elects to pay an employee premium pay on an annual basis, he is entitled to continue to receive hourly premium pay properly payable under titles II and III of the act until his base pay plus premium pay on an annual basis equals or exceeds his existing aggregate rate. When this occurs, the agency shall pay the employee his base pay plus premium pay on an annual basis.

(f) Except when terminated under paragraph (e) of this section, an agency shall continue to pay an employee an existing aggregate rate so long as:

(1) He remains in a position to which § 550.141, § 550.151, or § 550.162(c) is applicable;

(2) His tour of duty does not decrease in length; and

(3) He continues to perform equivalent night, holiday, and irregular or occasional overtime work.

(g) If an employee who is entitled to an existing aggregate rate moves from one position to another in the same agency, both of which are within the scope of section 401 of the Act, he is entitled to be paid an existing aggregate rate in the new position such as he would have received had he occupied that position when the agency elected to make section 401 of the Act applicable to it.

Subpart B—[Reserved]

Subpart C—Allotments and Assignments From Federal Employees

AUTHORITY: §§ 550.301 to 550.308 issued under sec. 6, 75 Stat. 664; 5 U.S.C. 3076; E.O. 10982; 27 F.R. 3, 3 CFR, 1962 Supp.

§ 550.301 Definitions.

In this subpart:

(a) "Act" means the act of September 26, 1961 (75 Stat. 662; 5 U.S.C. 3071).

(b) "Allottee" means the person or institution to whom an allotment is made payable.

(c) "Allotter" means the employee from whose compensation an allotment is made.

(d) "Allotment" means an allotment or assignment of a definite amount of compensation to be paid to an allottee.

(e) "Compensation" means the net pay due an employee after all deductions authorized by law (such as retirement or social security deductions, Federal withholding tax, and others, when applicable) have been made.

(f) "Department" means an Executive department and an independent establishment or agency in the executive branch of the Federal Government, including a Government-owned or controlled corporation.

(g) "Employee" means an officer or employee of a department.

(h) "Continental United States" means the several States and the District of Columbia, but excluding Alaska and Hawaii.

§ 550.302 Authority of a department.

(a) A department may permit allotments under section 5 of the Act only in accordance with the Act and this subpart.

(b) The head of a department may prescribe such additional regulations governing allotments, not inconsistent with the Act and this subpart, as he considers necessary.

§ 550.303 Authorized allotters.

Only an employee who is serving under an appointment not limited to 6 months or less may make an allotment.

§ 550.304 Circumstances under which allotments are permitted.

(a) A department may permit an employee to make an allotment on a current basis when he is:

(1) Assigned to a post of duty outside the continental United States;

(2) Working on an assignment away from his regular post of duty when the assignment is expected to continue for 3 months or more; or

(3) Serving as an officer or member of a crew of a vessel under the control of the Federal Government.

(b) A department may permit an employee to authorize an allotment to be effective on the issuance of an order of evacuation under section 2 or 3 of the Act. Payment of such an allotment may not be made until the issuance of the order.

§ 550.305 Purposes for which allotments may be made.

(a) A department may permit an employee to make an allotment for any of the following purposes:

(1) The support of relatives or dependents of the allotter;

(2) Savings;

(3) Payment of commercial insurance premiums on the life of the allotter;

(4) Payment of U.S. Government Insurance or National Service Life Insurance;

(5) Any other purpose, not otherwise prohibited, when approved by the head of the department or his authorized representative.

(b) A department may not permit an employee to make an allotment for any of the following purposes:

(1) Payment of indebtedness, except when the head of the department specifically provides otherwise;

(2) Contribution to charity; or

(3) Payment of dues to civic, fraternal, or other organizations.

§ 550.306 Authorized allottees.

(a) An employee may make an allotment to a person, a corporation, financial institution, or an agency for any of the purposes permitted by § 550.305(a).

(b) The allotter shall designate the allottee specifically and in writing.

§ 550.307 Limitations on allotments.

(a) An allotment shall be disbursed on one of the employee's regularly designated paydays and in accordance with the conditions of the allotment, except when the department and allotter agree on a later date.

(b) An employee may have only one allotment payable to the same allottee at the same time.

(c) The total number of allotments may not exceed the compensation due the allotter for a particular period.

§ 550.308 Discontinuance of allotment.

A department shall discontinue paying an allotment when:

(a) The allotter dies, retires, or is separated from the Federal service;

(b) The allottee dies or his whereabouts are unknown;

(c) A written notice to discontinue is given by an allotter or an authorized official of the department concerned; or

(d) The circumstances under which an allotment is permitted under § 550.304 no longer exist.

Subpart D—Payments During Evacuation

AUTHORITY: §§ 550.401 to 550.407 issued under sec. 6, 75 Stat. 644; 5 U.S.C. 3076; E.O. 10982; 27 F.R. 3, 3 CFR, 1962 Supp.

§ 550.401 Purpose.

The purpose of this subpart is to provide the authority necessary for a department to administer the act (except section 5), by establishing an efficient, orderly, and equitable procedure for the payment of compensation, allowances, and differentials in the event of an emergency evacuation of employees or their dependents, or both, from duty stations for military reasons or because of imminent danger to their lives.

§ 550.402 Applicability.

This subpart applies to departments which exercise the authority under the Act and Executive order to provide for payments for their employees who are located in United States areas.

§ 550.403 Employee coverage.

This subpart applies to:

(a) Civilian employees of a department who are United States citizens or who are United States nationals;

(b) Civilian employees of a department who are not citizens or nationals of the United States but who were recruited with a transportation agreement which provides return transportation to the area from which recruited; and

(c) Alien employees of a department hired within the United States.

§ 550.404 Definitions.

In this subpart:

(a) "Act" means the act of September 26, 1961 (75 Stat. 662; 5 U.S.C. 3071).

(b) "Department" means an Executive department and an independent establishment or agency in the executive branch of the Federal Government, including a Government-owned or controlled corporation.

(c) "Employee" means an officer or employee of a department.

(d) "Executive order" means Executive Order No. 10982, 27 F.R. 3, 3 CFR, 1962 Supp.

(e) "United States area" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and any territory or possession of the United States, but excluding the Trust Territory of the Pacific Islands.

§ 550.405 Limitations.

A department may not provide an authority in its regulations to make payments under the Act and this subpart when evacuations are occasioned by a natural disaster within the 48 contiguous States or the District of Columbia.

§ 550.406 Approval of departmental regulations.

(a) *Advance approval.* The Commission has prescribed, and published in the Federal Personnel Manual, departmental regulations for adoption by a department as the regulations authorized by section 6(c) of the Act to be issued by the head of a department to carry out sections 2 and 3 of the Act. When the head of a department proposes to exercise the authority given him under sections 2 and 3 of the Act, he may adopt these departmental regulations for use in United States areas; or for use in specifically designated localities within these areas. When the departmental regulations are adopted without change as published in the Federal Personnel Manual, regulations so adopted have the prior approval of the Commission as required by section 4(b) of the Executive order. If a department adopts the departmental regulations, it shall notify the Commission of the date of adoption and of the areas in which the departmental regulations will be applied.

(b) *Request for prior approval.* When a department proposes to issue regulations which deviate from the departmental regulations published in the Federal Personnel Manual, prior approval as required by section 4(b) of the Executive order must be secured from the Commission before the regulations may be made effective.

(c) *Revision of departmental regulations.* When the Commission revises the departmental regulations provided for in paragraph (a) of this section, departments which have previously adopted those departmental regulations shall adopt the revisions or within 30 days request approval from the Commission to retain the regulations without change.

(d) *Supplemental regulations.* When a department has regulations which have been approved under paragraph (a) or (b) of this section, the department may issue any supplemental regulations or instructions, not inconsistent with its approved regulations, deemed necessary for internal operations.

§ 550.407 Payment to employees of other departments.

The Commission shall publish in the Federal Personnel Manual a list containing the name of each department which has approved departmental regulations and the areas to which the approved departmental regulations apply. When this information is published in the Federal Personnel Manual, any department (whether or not it has approved departmental regulations) may make payments in an evacuation situation to an employee (and his dependents and designated representative) of a department which has approved departmental regulations who is assigned to a post of duty within the areas covered by the approved departmental regulations. When a payment is made under this subpart by other than the employee's department, the department making the payment shall immediately report the amount and date of the payment to the employee's department in order that prompt reimbursement may be made.

PART 610—HOURS OF DUTY

Subpart A—Weekly and Daily Scheduling of Work

Subpart A—Weekly and Daily Scheduling of Work

AUTHORITY: §§ 610.101 to 121 issued under sec. 605, 59 Stat. 304; 5 U.S.C. 945.

§ 610.101 Coverage.

This subpart applies to each officer and employee to whom Subpart A of Part 550 applies.

§ 610.102 Definitions.

In this subpart:

(a) "Administrative workweek" means a period of 7 consecutive calendar days designated in advance by the head of a department under section 604(a) of the Act.

(b) "Regularly scheduled administrative workweek," for full-time employees, means the period within an administrative workweek, established in accordance with § 610.111, within which these employees are required to be on duty regularly. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which these employees are required to be on duty regularly.

(c) "Basic workweek," for full-time employees, means the 40-hour workweek established in accordance with § 610.111.

(d) "Department" means an executive department, military department, independent establishment, or agency in the executive branch of the Federal Government, including a Government-owned or controlled corporation.

(e) "Head of department" means the head of a department or an official who has been delegated the authority to act for the head of the department in the matter concerned.

(f) *Employee* means an officer or employee of a department to whom this subpart applies.

WORKWEEK

§ 610.111 Establishment of workweeks.

(a) The head of each department, with respect to each group of full-time employees to whom this subpart applies, shall establish by regulation:

(1) A basic workweek of 40 hours which does not extend over more than 6 of any 7 consecutive days. Except as provided in paragraphs (b) and (c) of this section, the regulation shall specify the calendar days constituting the basic workweek and the number of hours of employment for each calendar day included within the basic workweek.

(2) A regularly scheduled administrative workweek which consists of the 40-hour basic workweek established in accordance with subparagraph (1) of this paragraph, plus the period of overtime work, if any, regularly required of each group of employees. Except as provided in paragraphs (b) and (c) of this section, the regulation, for purposes of leave and overtime pay administration, shall specify by calendar days and number of hours a day the periods included in the regularly scheduled administrative workweek which do not constitute a part of the basic workweek.

(b) When it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the head of a department may establish the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek as the basic workweek, and additional hours of officially ordered or approved duty within the administrative workweek are overtime work.

(c) (1) When an employee is paid additional compensation under section 401(1) of the Federal Employees Pay Act of 1945, as amended, his regularly scheduled administrative workweek is the total number of regularly scheduled hours of duty a week.

(2) When an employee has a tour of duty which includes a period during which he remains at or within the confines of his station in a standby status rather than performing actual work, his regularly scheduled administrative workweek is the total number of regularly scheduled hours of duty a week, including time in a standby status except that allowed for sleep and meals by regulation of the department.

WORK SCHEDULES

§ 610.121 Establishment of work schedules.

Except when the head of a department determines that the department would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide that:

(a) Assignments to tours of duty are scheduled in advance over periods of not less than 1 week;

(b) The basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;

(c) The working hours in each day in the basic workweek are the same;

(d) The basic nonovertime workday may not exceed 8 hours;

(e) The occurrence of holidays may not affect the designation of the basic workweek; and

(f) Breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

Subpart B—Holidays

AUTHORITY: §§ 610.201 and 610.202 issued under sec. 605, 59 Stat. 304; 5 U.S.C. 945.

§ 610.201 Identification of holidays.

In this subpart, "holiday" has the same meaning given that word in section 2(a) of Executive Order 10358.

§ 610.202 Determining the holiday.

For purposes of pay and leave, the day to be treated as a holiday is determined as follows:

(a) Except as provided in paragraph (c) of this section, when a holiday falls on a workday in an employee's basic workweek (as defined in § 610.103(c)), that workday is his holiday.

(b) When a holiday falls on a nonworkday outside an employee's basic workweek, the day to be treated as his holiday is determined in accordance with the act of September 22, 1959, 73 Stat. 643, and Executive Order 10358.

(c) When an employee's basic workweek includes both Sunday and Monday and a holiday falls on Sunday, either day, as determined by the head of the department, but not both days, may be treated as his holiday.

Subpart C—Administrative Dismissals of Daily, Hourly, and Piecework Employees

AUTHORITY: §§ 610.301 to 610.306 issued under sec. 1, 52 Stat. 1246, as amended; 5 U.S.C. 86a; E.O. 10552, 19 F.R. 5079, 3 CFR, 1954–1958 Comp., p. 201.

§ 610.301 Purpose.

The purpose of this subpart is to provide uniform and equitable standards under which regular employees compenstated at daily, hourly, or piecework rates may be relieved from duty with pay by adminstrative order.

§ 610.302 Policy statement.

The authority in this subpart may be used only to the extent warranted by good administration for short periods of time not generally exceeding 3 consecutive work days in a single period of excused absence. This authority may not be used in situations of extensive duration or for periods of interrupted or suspended operations such as ordinarily would be covered by the scheduling of leave, furlough, or the assignment of other work. Insofar as practicable, each administrative order issued under this subpart shall provide benefits for regular employees compensated at daily, hourly, or piecework rates similar to those provided for employees compensated at annual rates.

§ 610.303 Definitions.

In this subpart:

(a) "Administrative order" means an order issued by an authorized official of a department or agency relieving regular employees from active duty without charge to leave or loss of compensation.

(b) "Regular employees" means employees compensated at daily, hourly, or piecework rates who have a regular tour of duty, and whose appointments are not limited to 90 days or less or who have been currently employed for a continuous period of 90 days under one or more appointments without a break in service.

§ 610.304 Coverage.

This subpart applies to regular employees of the Federal Government compensated at daily, hourly, or piecework rates. This subpart does not apply to experts and consultants.

§ 610.305 Standards.

An administrative order may be issued under this subpart when:

(a) Normal operations of an establishment are interrupted by events beyond the control of management or employees;

(b) For managerial reasons, the closing of an establishment or portions thereof is required for short periods; or

(c) It is in the public interest to relieve employees from work to participate in civil activities which the Government is interested in encouraging.

§ 610.306 Supplemental regulations.

Each department and agency is authorized to issue supplemental regulations not inconsistent with this subpart.

PART 630—ABSENCE AND LEAVE

Subpart A—General Provisions

Subpart B—Definitions and General Provisions for Annual and Sick Leave

Subpart C—Annual Leave

Subpart D—Sick Leave

Subpart E—Recredit of Leave

Subpart F—Home Leave

AUTHORITY: §§ 630.101 to 630.607, issued under sec. 206, 65 Stat. 681; 5 U.S.C. 2065.

Subpart A—General Provisions

§ 630.101 Responsibility for administration.

The head of an agency to which the act applies is responsible for the proper administration of the act and this part so far as they pertain to employees under his jurisdiction, and for maintaining an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

Subpart B—Definitions and General Provisions for Annual and Sick Leave

§ 630.201 Definitions.

In this part:

(a) "Act" means the Annual and Sick Leave Act of 1951, as amended.

(b) "Accrued leave" means the leave earned by an employee during the current leave year that is unused at any given time in that leave year.

(c) "Accumulated leave" means the unused leave remaining to the credit of an employee at the beginning of a leave year.

(d) "Contagious disease" means a disease which is ruled as subject to quarantine, requires isolation of the patient, or requires restriction of movement by the patient for a specified period as prescribed by the health authorities having jurisdiction.

(e) "Employee" means an officer or employee to whom the act applies.

(f) "Leave year" means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

(g) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.

(h) "United States" means the several States and the District of Columbia.

§ 630.202 Full biweekly pay period; leave earnings.

(a) *Full-time employees.* A full-time employee earns leave during each full biweekly pay period while in a pay status or in a combination of a pay status and a nonpay status.

(b) *Part-time employees; hourly postal field service employees.* Hours in a pay status in excess of an agency's basic working hours in a pay period are disregarded in computing the leave earnings of a part-time employee, except that an hourly employee in the field service of the Post Office Department earns leave to the annual maximum in accordance with his actual number of hours in a pay status.

§ 630.203 Pay periods other than biweekly.

An employee paid on other than a biweekly pay period basis earns leave on a pro rata basis for a full pay period.

§ 630.204 Fractional pay periods.

When an employee's service is interrupted by a non-leave-earning period, he earns leave on a pro rata basis for each fractional pay period that occurs within the continuity of his employment.

§ 630.205 Change in length of day.

When the number of hours of duty in a full-time employee's workday is permanently changed, the leave to his credit is converted to the proper number of hours based upon the new workday.

§ 630.206 Minimum charge.

(a) The minimum charge for leave is 1 hour, and additional charges are in multiples thereof. If an employee is unavoidably or necessarily absent for less than 1 hour, or tardy, the agency, for adequate reason, may excuse him without charge to leave.

(b) When an employee is charged with leave for an unauthorized absence or tardiness, the agency may not require him to perform work for any part of the leave period charged against his account.

§ 630.207 Travel time.

The travel time granted an employee under section 203(e) of the act is inclusive of the time necessarily occupied in traveling to and from his post of duty and (a) the United States, or (b) his place of residence, which is outside the area of employment, in the Commonwealth of Puerto Rico or the possessions of the United States. The employee shall designate his place of residence in his request for leave under section 203(e) of the act.

§ 630.208 Reduction in leave credits.

(a) When the number of hours of nonpay status in a full-time employee's leave year equals the number of base-pay hours in a pay period, the agency shall reduce his credits for leave by an amount equal to the amount of leave the employee earns during a pay period. When the employee's number of hours of nonpay status does not require a reduction of leave credits, the agency shall drop those hours at the end of the employee's leave year.

(b) An employee who is in a nonpay status for his entire leave year does not earn leave.

(c) When a reduction in leave credits results in a debit to an employee's annual leave account at the end of a leave year, the agency shall:

(1) Carry the debit forward as a charge against the annual leave to be earned by the employee in the next leave year; or

(2) Require the employee to refund the amount paid him for the period covering the excess leave that resulted in the debit.

(d) A period covered by an employee's refund for unearned advanced leave is deemed not a nonpay status under this section.

§ 630.209 Refund for unearned leave.

(a) When an employee who is indebted for unearned leave is separated, the agency shall:

(1) Require him to refund the amount paid him for the period covering the leave for which he is indebted; or

(2) Deduct that amount from any salary due him.

An employee who enters active military service with a right of restoration is deemed not separated for the purpose of this paragraph.

(b) This section does not apply when an employee:

(1) Dies;

(2) Retires for disability; or

(3) Is unable to return to duty because of disability, evidence of which is supported by a medical certificate acceptable to the agency.

§ 630.210 Uncommon tours of duty.

An agency having employees who work 24-hour shifts or other uncommon tours of duty may prescribe supplemental regulations consistent with the act and this part for administering leave for these employees.

Subpart C—Annual Leave

§ 630.301 Ninety-day qualifying period.

(a) An employee begins the 90-day qualifying period required by section 203(i) of the act when:

(1) He initially enters a position subject to the act;

(2) He moves from a position not under a leave system to one subject to the act;

(3) He returns from service with the Armed Forces without the exercise of a restoration right; or

(4) He has a break in service of 1 workday or more.

(b) An employee does not begin another 90-day qualifying period solely because:

(1) Nonworkdays, including leave without pay, occur during the 90-day period;

(2) The hours of duty in his tour change; or

(3) He transfers from a different leave system.

(c) When an employee completes the 90-day qualifying period, he is entitled to credit for the annual leave earned during that period.

(d) Annual leave credited on completion of a 90-day qualifying period may not be substituted for leave without pay granted during that period.

§ 630.302 Maximum annual leave accumulation—forty-five day limitation.

(a) The effective date on which an employee (otherwise eligible thereunder) becomes subject to section 203(d) of the act is the:

(1) Date of his entry on duty when he is employed locally;

(2) Date of his arrival at a post of regular assignment for duty; or

(3) Date on which he begins to perform duty in an area outside the United States and the area of recruitment or from which transferred, when the employee is required to perform duty en route to his post of regular assignment for duty.

(b) Subject to section 208 of the act, the maximum amount of annual leave that may be carried forward into the next leave year by an employee who is transferred or reassigned to a position in which he is no longer subject to section 203(d) of the act is determined as follows:

(1) When, on the date prescribed by paragraph (c) of this section, the amount, of an employee's accumulated and accrued annual leave is 30 days or less, he may carry forward the amount prescribed by section 203(c) of the act;

(2) When, on the date prescribed by paragraph (c) of this section, the amount of an employee's accumulated and accrued annual leave is more than 30 days but not more than 45 days, he may carry forward the full amount thereof that is unused at the end of the current leave year;

(3) When, on the date prescribed by paragraph (c) of this section, the amount of an employee's accumulated and accrued annual leave is more than 45 days, he may carry forward the amount of unused annual leave to his credit at the end of the current leave year that does not exceed:

(i) 45 days, if he is not entitled to a greater accumulation under section 208 of the act; or

(ii) The amount he is entitled to accumulate under section 208 of the act, if that amount is greater than 45 days.

(c) For the purposes of paragraph (b) of this section, an agency shall determine the amount of an employee's accumulated and accrued annual leave at the end of the pay period which includes:

(1) The date on which the employee departs from his post of regular assignment for transfer or reassignment, except that when the employee is required to perform duty en route in an area in which he would be subject to section 203(d) of the act if assigned there, it is the date on which he ceases to perform the duty; or

(2) The date on which final administrative approval is given to effect a change in the employee's duty station when he is on detail or leave in the United States, or in an area (the Commonwealth of Puerto Rico or a possession of the United States) from which he was recruited or transferred.

§ 630.303 Part-time employees; earnings.

A part-time employee for whom there has been established in advance a regular tour of duty on 1 or more days during each administrative workweek, and an hourly employee in the field service of the Post Office Department earn annual leave as follows:

(a) An employee with less than 3 years of service earns 1 hour of annual leave for each 20 hours in a pay status.

(b) An employee with 3 but less than 15 years of service earns 1 hour of annual leave for each 13 hours in a pay status.

(c) An employee with 15 years or more of service earns 1 hours of annual leave for each 10 hours in a pay status.

§ 630.304 Accumulation limitation for part-time employees.

A part-time employee may accumulate not more than 240 or 360 hours' annual leave on the same basis that a full-time employee may accumulate not more than 30 or 45 days' annual leave.

Subpart D—Sick Leave

§ 630.401 Grant of sick leave.

An agency shall grant sick leave to an employee when the employee:

(a) Receives medical, dental, or optical examination or treatment;

(b) Is incapacitated for the performance of duties by sickness, injury, or pregnancy and confinement;

(c) Is required to give care and attendance to a member of his immediate family who is afflicted with a contagious disease; or

(d) Would jeopardize the health of others by his presence at his post of duty because of exposure to a contagious disease.

§ 630.402 Application for sick leave.

An employee shall file a written application for sick leave within such time limits as the agency may prescribe. An employee shall request advance approval for sick leave for medical, dental, or optical examination.

§ 630.403 Supporting evidence.

An agency may grant sick leave in excess of 3 workdays only when supported by a medical certificate, or other evidence administratively acceptable. For a grant of sick leave of 3 workdays or less, an agency may accept an employee's certification as to the reason for his absence.

§ 630.404 Limitation on advance sick leave.

When an employee is serving under a limited appointment or one which will be terminated on a specified date, an agency may advance sick leave to him up to the total sick leave which he would otherwise earn during the term of his appointment. For the purposes of this section, an employee serving a probationary or trial period is not serving under a limited appointment.

§ 630.405 Sickness during annual leave.

When sickness occurs within a period of annual leave, an agency may grant sick leave for the period of sickness.

§ 630.406 Part-time employees; earnings.

A part-time employee earns 1 hour of sick leave for each 20 hours in a pay status.

Subpart E—Recredit of Leave

§ 630.501 Annual leave recredit.

(a) When an employee transfers between positions under the act, the agency from which he transfers shall certify his annual leave account to the employing agency for credit or charge.

(b) When annual leave is transferred between different leave systems under section 205(e) of the act, or is recredited under a different leave system as the result of a refund under the Lump Sum Leave Payment Act, as amended, 7 calendar days of annual leave are deemed equal to 5 workdays of annual leave.

(c) An employee who transfers to a position under a different leave system to which he can transfer only a part of his annual leave is entitled to a recredit of the untransferred annual leave if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

(d) An employee who transfers to a position (other than a position excepted from the act under section 202(b)(1)(B), (C), (H), or (I)) to which he cannot transfer his annual leave because the position is not under an annual leave system is entitled to a recredit of the untransferred annual leave if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

§ 630.502 Sick leave recredit.

(a) When an employee transfers between positions under the act, the agency from which he transfers shall certify his sick leave account to the employing agency for credit or charge.

(b) An employee who is separated from the Federal Government or the government of the District of Columbia is entitled to a recredit of his sick leave if he is reemployed in the Federal Government or the government of the District of Columbia, without a break in service of more than 3 years.

(c) When sick leave is transferred between different leave systems under section 205(e) of the act, 7 calendar days of sick leave are deemed equal to 5 workdays of sick leave.

(d) An employee who transfers to a position under a different leave system to which he can transfer only a part of his sick leave is entitled to a recredit of the untransferred sick leave if he returns to the leave system under which it was earned, without a break in service of more than 3 years.

(e) An employee who transfers to a position to which he cannot transfer his sick leave is entitled to a recredit of the untransferred sick leave if he returns to the leave system under which it was earned, without a break in service of more than 3 years.

§ 630.503 Leave from former leave systems.

An employee who earned leave under the leave acts of 1936 or any other leave system merged under the act is entitled to a recredit of that leave under the act if he would have been entitled to re-

credit for it on reentering the leave system under which it was earned. However, this section does not revive leave already forfeited.

§ 630.504 Reestablishment of leave account after military service.

When an employee leaves his civilian position to enter the military service, the agency shall certify his leave account for credit or charge. When the employee is:

(a) Restored in accordance with a right of restoration after separation from active military duty or hospitalization continuing thereafter as provided by law, or in accordance with the mandatory provisions of a statute, Executive order, or regulation; or

(b) Reemployed in a position under the act not more than 3 years after his separation from active military duty; the agency in which he is restored or reemployed shall reestablish the certified leave account as a credit or charge.

§ 630.505 Restoration after appeal.

When an employee is restored to an agency as a result of an appeal, the agency shall reestablish his leave account as a credit or charge as it was at the time of separation.

Subpart F—Home Leave

§ 630.601 Definitions.

In this subpart:

(a) "Home leave" means leave authorized by section 203(f) of the act and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(b) "Month" means a period which runs from a given day in 1 month through the date preceding the numerically corresponding day in the next month.

(c) "Service abroad" means service on and after September 6, 1960, by an employee at a post of duty outside the United States and outside the employee's place of residence if his place of residence is in the Commonwealth of Puerto Rico or a possession of the United States.

§ 630.602 Coverage.

An employee who meets the requirements of section 203(d) of the act for the accumulation of a maximum of 45 days of annual leave earns and may be granted home leave in accordance with section 203(f) of the act and this subpart.

§ 630.603 Computation of service abroad.

For the purpose of this subpart, service abroad:

(a) Begins on the date of the employee's arrival at a post of duty outside the United States, or on the date of his entrance on duty when recruited abroad;

(b) Ends on the date of the employee's departure from the post for separation or for assignment in the United States, or on the date of his separation from duty when separated abroad; and

(c) Includes (1) absence in a nonpay status up to a maximum of 2 workweeks within each 12 months of service abroad, (2) authorized leave with pay, (3) time spent in the Armed Forces of the United States which interrupts service abroad, and (4) a period of detail.

In computing service abroad, full credit is given for the day of arrival and the day of departure.

§ 630.604 Earning rates.

(a) For each 12 months of service abroad, an employee earns home leave at the following rate:

(1) An employee who accepts as a condition of initial or continued employment with his agency an obligation to accept assignments anywhere in the world as the needs of the agency dictate—15 days.

(2) An employee who is serving with a U.S. mission to a public international organization—15 days.

(3) An employee who is serving at a post for which payment of a foreign or nonforeign (but not a tropical) differential of 20 percent or more is authorized by law or regulation—15 days.

(4) An employee not included in subparagraph (1), (2), or (3) of this paragraph who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized by law or regulation—10 days.

(5) An employee not included in subparagraph (1), (2), (3), or (4) of this paragraph—5 days.

(b) An agency shall credit home leave to an employee's leave account, as earned, in multiples of 1 day.

§ 630.605 Computation of home leave.

(a) For each month of service abroad, an employee earns home leave under the rates fixed by § 630.604(a) in the amounts set forth in the following table:

HOME LEAVE-EARNING TABLE

Months of service abroad	Earning rate (days for each 12 months)		
	15	10	5
	Days earned		
1	1	0	0
2	2	1	0
3	3	2	1
4	5	3	1
5	6	4	2
6	7	5	2
7	8	5	2
8	10	6	3
9	11	7	3
10	12	8	4
11	13	9	4
12	15	10	5

(b) When an employee moves between different home leave-earning rates during a month of service abroad, or when a change in the differential during a month of service abroad results in a different home leave-earning rate, the agency shall credit the employee with the amount of home leave for the month at the rate to which he was entitled before the change in his home leave-earning rate.

§ 630.606 Grant of home leave.

(a) *Entitlement.* Except as otherwise authorized by statute, an employee is entitled to home leave only when he has completed a basic service period of 24 months of continuous service abroad. This basic service period is terminated by (1) a break in service of 1 or more workdays, or (2) an assignment (other than a detail) to a position in which an employee is no longer subject to section 203(f) of the act.

(b) *Agency authority.* A grant of home leave is at the discretion of an agency. An agency may grant home leave in combination with other leaves of absence in accordance with established agency policy.

(c) *Limitations.* An agency may grant home leave only:

(1) For use in the United States, the Commonwealth of Puerto Rico, or a possession of the United States; and

(2) During an employee's period of service abroad, or within a reasonable period after his return from service abroad when it is contemplated that he will return to service abroad immediately or on completion of an assignment in the United States.

Home leave not granted during a period named in subparagraph (2) of this paragraph may be granted only when the employee has completed a further substantial period of service abroad. This further substantial period of service abroad may not be less than the tour of duty prescribed for the employee's post of assignment, except when the agency determines that an earlier grant of home leave is warranted in an individual case.

(d) *Charging of home leave.* The minimum charge for home leave is 1 day and additional charges are in multiples thereof.

(e) *Refund for home leave.* An employee is indebted for the home leave used by him when he fails to return to service abroad after the period of home leave, or after the completion of an assignment in the United States. However, a refund for this indebtedness is not required when (1) the employee has completed not less than 6 months' service in an assignment in the United States following the period of home leave; (2) the agency determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health or circumstances over which the employee has no control; or (3) the agency which granted the home leave determines that it is in the public interest not to return the employee to his overseas assignment.

§ 630.607 Transfer and recredit of home leave.

An employee is entitled to have his home leave account transferred or recredited to his account when he moves between agencies or is reemployed without a break in service of more than 90 days.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 63-10751; Filed, Oct. 11, 1963; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 68]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.368 Valencia Orange Regulation 68.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 10, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 13, 1963, and ending at 12:01 a.m., P.s.t., October 20, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 11, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10920; Filed, Oct. 11, 1963; 11:22 a.m.]

[Grapefruit Reg. 12]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.312 Grapefruit Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 25, 1963, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended section is based were received by the Fruit Branch on October 3, 1963; information regarding the provisions of the section recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 13, 1963, and ending at 12:01 a.m., P.s.t., December 15, 1963, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit are well colored and grade at least U.S. No. 2: *Provided,* That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point in Zone 1 or Zone 2, any grapefruit, grown as aforesaid, which measure less than $3\frac{11}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{7}{16}$ inches in diameter and smaller.

(iii) From the State of California or the State of Arizona to any point in Zone 3 any grapefruit, grown as aforesaid, which measure less than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with

the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in such lot which shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," and "Zone 3" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 9, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10826; Filed, Oct. 11, 1963; 8:46 a.m.]

[Lemon Reg. 84]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.384 Lemon Regulation 84.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 8, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 13, 1963, and ending at 12:01 a.m., P.s.t., October 20, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 186,000 cartons;
(iii) District 3: 79,050 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63–10862; Filed, Oct. 11, 1963; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1963–Crop Barley Supplement, Amdt. 3]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1963 Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation (28 F.R. 6258, 8273 and 9809) with respect to barley produced in 1963 which contain specific requirements for the 1963-crop of barley are hereby amended as follows:

1. Section 1421.2204(a)(1) is amended to make barley grading "Sample" on the factor of total damage (except heat damage) eligible for price support. The amended subparagraph reads as follows:

§ 1421.2204 Eligible barley.

* * * * *

(a) * * *

(1) The barley must be No. 5 or better, except that (i) the barley may be of any class grading "Sample" on the factor of total damage (except heat damage), (ii) Western Barley shall have a test weight of not less than 36 pounds per bushel, and (iii) the barley may have the following special grade designations: "Garlicky" and in the State of Alaska only, "Tough." The provisions of subparagraph (3) of this paragraph pertaining to barley grading "Tough" are not applicable to barley produced in Alaska.

2. Section 1421.2210(d) is amended to provide discounts for barley with total damage (except damage) in excess of 10 percent.

§ 1421.2210 Support rates.

* * * * *

(d) *Discounts.* The applicable basic support rate shall be adjusted by discounts as follows:

Reason:	*Discount (cents per bushel)*
Class—Mixed barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Other—Garlicky	10
Weed control laws (see § 1421.27)	10
Total damage (percent):	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 9, 1963.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 63–10848; Filed, Oct. 11, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1969; Amdt. 630]

PART 507—AIRWORTHINESS DIRECTIVES

Grumman Model G–159 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on September 18, 1963, and made effective immediately because of the safety emergency involved as to all known United States operators of Grumman Model G–159 Series aircraft. The directive requires inspection and modification of the main landing gear retract cylinder attachment fittings.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Grumman Model G–159 Series aircraft by individual telegrams dated September 18, 1963. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

GRUMMAN. Applies to all Model G–159 aircraft.

Compliance required as indicated.

Because of cracks found on the main landing gear retract cylinder attachment fitting P/N 159 WM10032–1 and –2, accomplish the following:

(a) Within 10 hours' time in service, after the effective date of this AD, and before each flight thereafter, conduct a visual inspection for cracks in the vicinity of the aft end of the retract cylinder attachment fitting.

(b) Within 15 hours' time in service, after the effective date of this AD, unless already accomplished, modify and inspect the attachment fitting in accordance with the provisions of Grumman Gulfstream Customer Bulletin No. 172 dated September 6, 1963, with the exception of the time period specified therein, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Replace cracked fittings before further flight with a fitting of the same part number or an FAA approved equivalent, except that one-flight may be made in accordance with the provisions of CAR, Part 1.76 for the purpose of obtaining these replacements.

(Grumman Customer Bulletin No. 172 dated September 6, 1963, covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated September 18, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 8, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–10810; Filed, Oct. 11, 1963; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 11 (Rev. 1)]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Miscellaneous Amendments

The loans to State and local development companies regulation (revision 1, 26 F.R. 1822), as amended, is hereby further amended by:

1. Deleting in § 108.2, paragraph (h) and inserting a new paragraph (h) which reads as follows:

§ 108.2 Definitions.

* * * * *

(h) "Construction contract" as used herein means any contract entered into by the development company or the small business concern being assisted for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

* * * * *

2. Deleting in § 108.3, paragraph (d) and inserting a new paragraph (d) which reads as follows:

§ 108.3 Procedures for loan applications.

* * * * *

(d) *Nondiscrimination.* An Application for a section 502 loan which will be used by the development company or the small business concern being assisted to pay for a construction contract in whole or in part, including repayment of interim financing, shall be accompanied by Applicant's Agreement of Compliance (SBA Form 601).[1] If the small business concern has entered into or will enter into the construction contract for which the proceeds of the 502 loan will be used for payment, the small business concern shall be required to execute the Applicant's Agreement of Compliance.

[1] Form filed with the Federal Register Office. Copies of SBA Form 601 are available at the office of the Deputy Administrator, Investment Division of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all regional offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration.

These amendments are effective upon publication in the FEDERAL REGISTER.

Dated: October 5, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 63–10824; Filed, Oct. 11, 1963; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–590]

PART 13—PROHIBITED TRADE PRACTICES

Kramer's

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–35 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act:* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40 (a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Kramer Fur Co., Inc. trading as Kramer's, New Haven, Conn., Docket C–590, Sept. 17, 1963]

In the Matter of The Kramer Fur Co., Inc., a Corporation, Trading as Kramer's

Consent order requiring New Haven, Conn., retail furriers to cease violating the Fur Products Labeling Act by failing, in invoicing and newspaper advertising, to show the true animal name of fur, to disclose when fur was artificially colored, and to use the terms "natural" and "Persian Lamb" as required; to identify the person issuing an invoice and to show, on invoices, the country of origin of imported furs; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Kramer Fur Co., Inc., a corporation, trading as Kramer's, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce",

"fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

3. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 17, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10815; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-591]

PART 13—PROHIBITED TRADE PRACTICES

Labor Digest, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* §13.15-30 *Connections or arrangements with others;* § 13.95 *Identity of product;* § 13.110 *Indorsements, approval and testimonials;* § 13.235 *Source or origin;* § 13.235-50 *Maker or seller, etc.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly;* § 13.330-54 *Labor unions.* Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.*

(Sec. 6, 38 Stat. 721; U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Labor Digest, Inc., et al., New York, N.Y., Docket C-591, Sept. 17, 1963]

In the Matter of Labor Digest, Inc., a Corporation, Ernest J. Modarelli, and Harry B. Simon, Individually and as Officers of Said Corporation, Alex Adler, Charles Cole and Ralph J. De Meo, Individuals

Consent order requiring New York City publishers of a magazine known as "Labor Digest", deriving a large part of their income from the sale of advertising space therein, to cease representing falsely to prospective advertisers that their said publication was endorsed by, affiliated with, or the official publication of, the AFL-CIO or other labor unions; intimidating business concerns by threats that if they did not purchase advertising space, their products would receive unfavorable treatment by labor union members; and placing advertisements of various concerns in their magazine without authorization and then seeking to exact payment therefor.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Labor Digest, Inc., a corporation, and its officers, and Ernest J. Modarelli and Harry B. Simon, individually and as officers of said corporation, and Alex Adler, Charles Cole and Ralph J. De Meo, individually, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the soliciting, offering for sale or sale in commerce of advertising space in the magazine now designated as Labor Digest, or any other publication, whether published under that name, or any other name, and in connection with the offering for sale, sale or distribution of said magazine, or any other publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said magazine is endorsed by, affiliated with, or an official publication of, or otherwise connected with a labor union.

2. Inducing or seeking to induce any business concern to purchase advertising space in or contribute to respondents' publication by means of expressed or implied threats that such business concern will or may be subjected to unfavorable treatment at the hands of representatives or purported representatives of labor should it refuse to make such purchase or contribution.

3. Placing, printing or publishing any advertisement on behalf of any person or firm in said paper without a prior order or agreement to purchase said advertisement.

4. Sending bills, letters or notices to any person or firm with regard to an advertisement which has been or is to be printed, inserted or published on behalf of said person or firm, or in any other manner seeking to exact payment for any such advertisement, without a bona fide order or agreement to purchase said advertisement.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 17, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10816; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-589]

PART 13—PROHIBITED TRADE PRACTICES

Leon Younger et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 113.30-30 *Fur Products Labeling Act;* § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-35 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(b) *Place.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2280-30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65, Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Leon Younger trading as Younger's, Louisville, Ky., Docket C-589, Sept. 17, 1963]

In the Matter of Leon Younger and Alvin Younger, Individuals and Copartners Trading as Younger's

Consent order requiring Louisville, Ky., retail furriers to cease violating the Fur Products Labeling Act by failing, on labels and invoices and in advertising to show the true name of the animal producing a fur; to show the country of origin of imported products on tags and invoices, to use the word "natural" for unbleached furs in labeling and advertising; to show when furs were artificially colored and to disclose the country of origin of imported furs on labels; by invoicing and advertising fur products deceptively as to the animals that produced the fur; by representing prices of fur products falsely as reduced from so-called regular prices that were fictitious; by failing to maintain adequate records as a basis for pricing claims; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Leon Younger and Alvin Younger individually and as copartners trading as Younger's or under any other trade name and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation, or distribution, in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to describe fur products as natural when such fur products are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to set forth on labels the item number or mark assigned to fur products.

E. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any such product as to the name or designation of the animal or animals that produced the fur from which the fur product was manufactured.

C. Failing to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term in lieu of the word "Lamb".

D. Failing to set forth the term "Dyed Broadtail-processed Lamb" on invoices in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

E. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

F. Failing to describe as natural fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist directly or indirectly in the sale, or offering for sale of fur products and which:

A. Fails to set forth all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Contains any form of misrepresentation or deception, directly or by implication, as to the name or designation of the animal or animals that produced the fur from which the fur product was manufactured.

C. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

D. Represents that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by the respondents in the recent past.

E. Misrepresents directly or by implication that savings are available to purchasers of respondents' fur products.

F. Fails to use the term natural to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 17, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10817; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-592]

PART 13—PROHIBITED TRADE PRACTICES

Commodity Futures Forecast

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Edward B. Gotthelf trading as Commodity Futures Forecast, New York, N.Y., Docket C-592, Sept. 20, 1963]

In the Matter of Edward B. Gotthelf, an Individual Trading as Commodity Futures Forecast

Consent order requiring an individual in New York City engaged in selling to the public a weekly advisory letter known as "Commodity Futures Forecast", a daily statistical bulletin titled "Commodex", and management services incident to the purchase and sale of Commodity Futures, to cease representing falsely in circulars and other advertising material that stated large profits had been realized for accounts he managed, that they were typical and could be expected, that the transactions reflected the recommendations in his aforesaid advisory letter, and that the managed customers' accounts in accordance with the principles contained in his "Forecast" and "Commodex".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Edward B. Gotthelf, an individual trading as Commodity Futures Forecast, or under any other name, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of publications and management services, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. a. Representing directly or by implication that profits or earnings have been realized for any account or portfolio managed by him unless such pro-

fits or earnings have been in fact realized by an account or portfolio managed by him.

b. Representing directly or by implication that the transactions reflected the recommendations contained in the advisory letter, Commodity Futures Forecast, unless such transactions have been there recommended.

c. Representing directly or by implication that customers made or realized profits or earnings of a specified amount when such specified amount is in excess of those customarily made unless it is clearly and conspicuously disclosed in immediate conjunction therewith that such profits or earnings are exceptional and are not realized or to be expected by customers generally; or otherwise representing profits or earnings in any manner not in accordance with the facts.

2. Representing directly or by implication that customers' accounts are being managed in accordance with the information or principles contained in Commodity Futures Forecast or Commodex unless all such transactions conform to the information or principles set forth in such publications.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10829; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-593]

PART 13—PROHIBITED TRADE PRACTICES

Mode Ltd. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-35 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1230 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Mode Ltd., et al., Boise, Idaho, Docket C-593, Sept. 20, 1963]

In the Matter of The Mode Ltd., a Corporation, and Ethel C. Chapman, Albert S. Rice and Marie Mautz, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in Boise, Idaho, to cease violating the Fur Products Labeling Act by representing falsely on labels and in advertising that prices of fur products were reduced from so-called regular prices which were fictitious; by invoicing furs deceptively as "Broadtail", and failing to show on invoices the true animal name of furs, and to set forth the term "Broadtail Lamb" as required; by advertising which failed to describe as "natural", furs which were not artificially colored; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Mode Ltd., a corporation, and its officers, and Ethel C. Chapman, Albert S. Rice and Marie Mautz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying such products by any representation that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise so represented was usually and customarily sold at retail by the respondents unless such merchandise was in fact usually and customarily sold at retail by respondents at such price in the recent past.

2. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondents' products.

3. Falsely or deceptively representing in any manner, directly or by implication, on labels or other means of identification that prices of respondents' fur products are reduced.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

2. Represents, directly or by implication, that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by respondents in the recent past.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10830; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-594]

PART 13—PROHIBITED TRADE PRACTICES

National Cellulose Insulation Manufacturers Association, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.170-70 *Preventive or protective;* § 13.265 *Tests and investigations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Cellulose Insulation Manufacturers Association, Inc. (Delphos, Ohio), et al., Docket C-594, Sept. 20, 1963]

In the Matter of National Cellulose Insulation Manufacturers Association, Inc., a Corporation; Electra Manufacturing Corp., a Corporation; Hagan Mfg. Company, a Corporation; Oren Corporation, a Corporation; and Pal-O-Pak Insulation Co., Inc., a Corporation

Consent order requiring a trade association of manufacturers of cellulose insulation and four corporate members in the States of Ohio, Indiana, Wisconsin and Minnesota, to cease representing

falsely—as they did in brochures distributed to dealers, institutions, etc.—that tests by independent laboratories established the greater efficiency of their insulation over others; that their product would eliminate possibility of settling, moisture and paint failure problems; and that it was a more effective protection against fire than mineral or glass fiber materials.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents National Cellulose Insulation Manufacturers Association, Inc., a corporation; Electra Manufacturing Corp., a corporation; Hagan Mfg. Company, a corporation; Oren Corporation, a corporation; and Pal-O-Pak Insulation Co., Inc., a corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cellulose insulation, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

Representing, directly or by implication, that:

1. Cellulose fiber insulation has been approved by independent laboratory tests as more efficient than other insulations unless specific findings to the extent represented have been made by an independent laboratory.

2. Cellulose fiber insulation will eliminate the possibility of settling, moisture or paint failure problems.

3. Cellulose fiber insulation will provide effective fire protection at temperatures that would melt other commonly known types of insulation.

4. Efficiency alone determines the economy of cellulose insulation when compared with mineral or glass fiber materials.

It is further ordered, That each of the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10831; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket C-595]

PART 13—PROHIBITED TRADE PRACTICES

Thomas Smilios

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-35 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation of product;* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Thomas Smilios trading as Thomas Smilios, New York, N.Y. Docket C-595, Sept. 20, 1963]

In the Matter of Thomas Smilios, an Individual Trading as Thomas Smilios

Consent order requiring a manufacturing furrier in New York City to cease violating invoicing provisions of the Fur Products Labeling Act by failing to set forth required information and item numbers on invoices and to use the term "natural" to describe fur products which were not artificially colored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Thomas Smilios, an individual trading as Thomas Smilios, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to customers to whom fur products were sent showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-10832; Filed, Oct. 11, 1963; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Disability Insured Status

Subpart B of Regulations No. 4 of the Social Security Administration (20 CFR 404.1 et seq.) is amended by adding §§ 404.115 through 404.120 immediately succeeding § 404.114, as follows:

Sec.

AUTHORITY: Sections 404.115-404.120 issued under sections 205, 216, 217, 223, and 1102, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 68 Stat. 1081, as amended, 70 Stat. 815, as amended, and 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 416, 417, 423, and 1302. Section 404.120 (a) also issued under section 5(k) of the Railroad Retirement Act of 1937, as amended, 68 Stat. 1081, as amended; 45 U.S.C. 228e.

§ 404.115 When disability insured status must be met.

(a) *Period of disability.* To establish a period of disability, in addition to meeting certain other requirements (see section 216(i) of the Act), an individual must meet the insured status requirements for a period of disability as of the calendar quarter he became disabled (as defined in § 404.1501(b)) or, if he files the application to establish a period of disability after June 1962, as of whichever is later: the calendar quarter in which he became disabled, or the calendar quarter in which occurs the first day of the 18th month prior to the month in which he filed the application to establish a period of disability. If the individual does not have the required insured status as of such time, he will be insured for purposes of establishment of a period of disability as of the first day of the first calendar quarter thereafter in which he acquires such insured status, provided that at such later time he meets all other requirements for establishment of a period of disability.

(b) *Disability insurance benefits.* To become entitled to a disability insurance benefit, in addition to meeting certain other requirements (see section 223(a) of the Act), an individual must meet the

insured status requirement for disability insurance benefits as of the first full month that he was under a disability (as defined in § 404.1501(a)), or as of the 18th month (the 12th month, where no "waiting period" is required, see section 223(a) of the Act) prior to the month in which the application for disability insurance benefits is filed, whichever is later. If the individual does not meet the insured status requirement at such time, he will be insured for disability insurance benefit purposes as of the first month thereafter in which he acquires such insured status provided that at such later time he meets all other requirements for disability insurance benefits.

§ 404.116 Disability insured status; application filed after August 27, 1958.

(a) *Period of disability.* For the purpose of establishing a period of disability, an individual has disability insured status as of the quarter specified in § 404.115(a) if such individual:

(1) Has at least 20 quarters of coverage in the 40-quarter period (see § 404.119(a)) ending with such quarter; and

(2) Would have been fully insured had the individual attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such quarter (however, this requirement does not apply where such calendar quarter occurred before 1951).

(b) *Disability insurance benefits.* For the purpose of entitlement to disability insurance benefits, an individual has disability insured status in the month specified in § 404.115(b) if such individual:

(1) Has at least 20 quarters of coverage in the 40-quarter period (see § 404.119(b)(1)) ending with the quarter in which such month falls; and

(2) Would have been fully insured had the individual attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such month.

(c) *Applicability.* The provisions of paragraphs (a) and (b) of this section are applicable in cases where the application to establish a period of disability, or for disability insurance benefits, as the case may be, is filed after August 27, 1958, and also in cases where such application was filed before August 28, 1958, and after December 31, 1957, if the individual was alive on August 28, 1958, and notice of the Administration's final decision on such application had not been mailed to him before August 29, 1958.

§ 404.117 Disability insured status; application filed before August 28, 1958.

(a) *Period of disability.* For the purpose of establishing a period of disability, an individual has disability insured status in the quarter specified in § 404.115(a) if such individual meets the requirements set forth in § 404.116(a)(1) and, in addition, has at least six quarters of coverage in the 13-quarter period (see § 404.119(a)) ending with such quarter.

(b) *Disability insurance benefits.* For the purpose of establishing entitlement to disability insurance benefits, an individual has disability insured status in the month specified in § 404.115(b) if such individual met the requirements set forth in § 404.116(b), and, in addition, would have been currently insured had he attained age 65 (or age 62, if a woman) and filed application for old-age insurance benefits on the first day of such month.

(c) *Applicability.* The provisions of paragraphs (a) and (b) of this section are applicable in cases where the application to establish a period of disability, or for disability insurance benefits, as the case may be, is filed before January 1, 1958, and in cases where the application was filed after December 31, 1957, but before August 28, 1958, if, before the latter date, the individual died or notice of the Administration's final decision on such application had been mailed to him before August 29, 1958.

§ 404.118 Special disability insured status; alternate rule in effect after August 1960.

(a) Where an application to establish a period of disability, or for disability insurance benefits, is filed after August 31, 1960, and the individual does not have a disability insured status under § 404.116 as of the time specified therein, he is deemed to have such disability insured status if he meets the following conditions:

(1) He had at least 20 quarters of coverage during the period ending with the quarter referred to in § 404.116(a), if a period of disability is involved, or § 404.116(b) if disability insurance benefits are involved; and

(2) All quarters elapsing after 1950, and up to but excluding such quarter are quarters of coverage (see, however, § 404.119(b)(2)); and

(3) He had at least six such quarters of coverage after 1950.

(b) No benefits under Title II of the Social Security Act shall be payable or increased by reason of the special disability insured status described in this section for any month before October 1960.

§ 404.119 Disability insured status; determining 13-quarter period; 40-quarter period; continuous quarters after 1950.

(a) *Period of disability.* In determining the 13-quarter period for purposes of § 404.117(a) and the 40-quarter period for the purpose of § 404.116(a)(1) and § 404.117(a), any quarter, all or any part of which is included in a prior period of disability established for the individual, is not counted as part of such 13-quarter or 40-quarter period unless such quarter is a quarter of coverage (see § 404.103 and § 404.104).

(b) *Disability insurance benefits.* (1) In determining the 40-quarter period for purposes of § 404.116(b)(1) and § 404.117(b), any quarter, all or any part of which is included in a period of disability established for the individual, is not counted as part of such 40-quarter period unless such quarter is a quarter of coverage (see § 404.103 and § 404.104).

(2) In determining the number of calendar quarters elapsing after 1950, for purposes of § 404.118(a)(2), any quarter, all or any part of which is included in a period of disability established for the individual, is not counted as a calendar quarter elapsing after 1950 unless such quarter is a quarter of coverage (see § 404.103 and § 404.104).

§ 404.120 Disability insured status for period of disability; granting of quarters of coverage based on railroad compensation or military service.

For the purpose of meeting the disability insured status requirements for the establishment of a period of disability only, quarters of coverage may be granted for:

(a) Compensation for service after 1936 covered by the Railroad Retirement Act (see Subpart O of this part) even though such compensation may not be used for other purposes of Title II of the Social Security Act because the individual has 120 or more months of such service, or is receiving an annuity under the Railroad Retirement Act; and

(b) A period of military service prior to 1957 (see Subpart N of this part), even though such period of service may not be used for other purposes of Title II of the Social Security Act because a periodic benefit which is based in whole or in part on the same period of military service, is payable by another Federal agency.

Effective date. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: September 19, 1963.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 7, 1963.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 63-10836; Filed, Oct. 11, 1963; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

New Drugs for Investigational Use; Foreign Shipments; Drugs Used for Diagnosing Disease

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1053, as amended, 76 Stat. 788; 52 Stat. 1055; 21 U.S.C. 355, 371), and delegated to the Commissioner of Food and Drugs (25 F.R. 8625), § 130.3 of the new-drug regulations is amended as hereinafter indicated.

1. Section 130.3(a)(2) is amended by inserting therein, following form FD 1571, the following proviso:

§ 130.3 New drugs for investigational use; exemption from section 505(a).

(a) * * *
(2) * * *

Provided, however, That where a new drug limited to investigational use is proposed for shipment to a foreign country and the circumstances are such that the submission of the "Notice of Claimed Investigational Exemption for a New Drug" (Form FD 1571) is not feasible, the Commissioner may authorize the shipment of the drug if he receives, through the U.S. Department of State, a formal request to allow such shipment from the government of the country to which the drug is proposed to be shipped. This request should specify that said government has adequate information about the drug and its proposed use and is satisfied that the drug may legally be used by the intended consignee in that country.

2. Section 130.3(f) is amended by adding a new subparagraph (4), reading as follows:

(4) The exemption allowed in this paragraph shall not apply to any new drug intended for in vitro use in the regular course of diagnosing or treating disease, including antibacterial sensitivity discs impregnated with any new drug or drugs, which discs are intended for use in determining susceptibility of microorganisms to the new drug or drugs.

Notice and public procedure are not necessary prerequisites to the issuance of the amendments made by this order, and I so find, since they are merely interpretative in nature and are intended to supplement existing regulations.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 505, 701, 52 Stat. 1053, as amended; 76 Stat. 788; 52 Stat. 1055; 21 U.S.C. 355, 371)

Dated: October 8, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10837; Filed, Oct. 11, 1963; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3244]

[Washington 04930]

WASHINGTON

Partly Revoking Withdrawal for Military Purposes (Fort Canby Military Reservation)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of February 26, 1852, as modified by the Executive order of December 27, 1859, which withdrew lands in Washington for military and/or lighthouse purposes is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 9 N., R. 11 W.
Sec. 4, lots 2, 3, and 4;
Sec. 5, lots 2, 3, 4, 5 E½SE¼, and SE¼NE¼.
Containing approximately 356 acres.

2. The lands are situated in Pacific County, near the town of Ilwaco, Washington.

3. Until 10:00 a.m. on April 7, 1964, the State of Washington shall have a preferred right of application to select the lands in accordance with the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on April 7, 1964. At that time the said lands shall be open to operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, and the provisions of any existing withdrawals. All valid applications except preference right applications from the State of Washington received prior to 10:00 a.m. on April 7, 1964 will be considered as simultaneously filed at that time.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on April 7, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 7, 1963.

[F.R. Doc. 63-10820; Filed, Oct. 11, 1963; 8:46 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 5; Amdt. 5]

PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Extensions of Time for Filing Financial Reports

Pursuant to the authority of sections 21 and 43 of the Shipping Act, 1916 (39 Stat. 736 and 75 Stat. 766), and section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the Federal Maritime Commission hereby amends its General Order 5, 46 CFR Part 511.

The purpose of this amendment is to allow the Commission discretion in granting extensions of the time limits prescribed in § 511.4 of this part for the filing of financial reports by common carriers who are subject to the provisions of General Order 5. As the amendment will relieve restrictions the Commission is of the opinion that notice and public procedure is unnecessary, and pursuant to section 4(c) of the Administrative Procedure Act the amendment will become effective upon publication in the FEDERAL REGISTER.

Section 511.4 of Title 46, CFR, is hereby amended by designating the present text as paragraph (a) and adding the following new paragraph (b):

(b) Upon application, the Commission may grant reasonable extensions of the time limit prescribed by this section for filing the statements and data required by this part, provided that (1) the application therefor is received fifteen (15) days before the statements and data are due; (2) the application sets forth good and sufficient reasons to justify the extension requested; (3) the application states a specific date on, or before, which the statements or data will be filed; and, (4) the application is not to be construed as constituting relief from possible penalties for tardy filing, unless it is granted.

By order of the Federal Maritime Commission, October 3, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10840; Filed, Oct. 11, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,769 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Smyrna, Delaware, and from the Re-

gional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston 11, Massachusetts, 02111. Hunting shall be subject to the following conditions:

(a) Species to be taken: Coots, ducks (except canvasback and redhead), geese (except snow geese) and brant.

(b) Open season: Ducks and coots—From 12:00 noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through November 23, 1963, inclusive. From 12:00 noon (standard time) to sunset December 9, 1963, and from sunrise to sunset December 10, 1963, through December 30, 1963, inclusive. No hunting is permitted on Sundays. Geese and brant—From 12:00 noon (standard time) to sunset November 1, 1963, and from sunrise to sunset November 2, 1963, through January 9, 1964, inclusive, except that no hunting is permitted on Sundays.

(c) Daily bag limits: Ducks—3, coots—8, geese—2, brant—6. The daily bag limit of 3 ducks may not include more than (a) 1 hooded merganser, (b) 2 wood ducks, (c) 2 mallard or black ducks, singly or in the aggregate of both kinds. In addition to other bag limits, 2 additional scaup ducks are allowed in the daily bag limit. In addition to the limits on other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs—Not to exceed 2 dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Hunting is permitting only from Government constructed blinds and possession of loaded guns outside blinds is prohibited except when in active pursuit of crippled waterfowl.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(5) The use of boats, including boats with motors, is permitted, except that shooting from boats of any type is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is required to enter the public hunting area. Daily permits may be obtained at the checking station located at Port Mahon from 9:00 a.m. to sunset on November 1, 1963, and from one hour before sunrise to sunset each hunting day thereafter. These permits must be surrendered at the checking station when leaving the public hunting area.

(3) The provisions of this special regulation are effective to January 10, 1964.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 24, 1963.

[F.R. Doc. 63-10818; Filed, Oct. 11, 1963; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

CARROTS GROWN IN SOUTH TEXAS

Notice of Rule Making With Respect to Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments, as hereinafter set forth, which was recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement No. 142 and Marketing Order No. 970, as amended (7 CFR Part 970; 28 F.R. 7467, 7584), regulating the handling of carrots grown in certain designated counties of South Texas. This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than seven days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 970.304 Limitation of shipments.

During the period from November 3, 1963, through June 30, 1964, no person shall handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section, and one of the size designations of paragraph (b) of this section, and meet the container and pack requirements of paragraphs (c) and (d), or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), (g), and (h) of this section.

(a) *Minimum grade requirements.* U.S. No. 1, or better.

(b) *Sizing requirements*—(1) *Medium-to-large:* ¾ Inch minimum diameter to 1⅜ inches maximum diameter, 5½ inches minimum length, with an average of 30 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

(2) *Jumbos:* 1 Inch minimum diameter to 3 inches maximum diameter and 5½ inches minimum length.

(c) *Container requirements*—(1) Carrots may be handled only in containers classified by weight as follows:

(i) 1 Pound;
(ii) 2 Pounds;
(iii) 25 Pounds;
(iv) 50 Pounds; and
(v) 75–80 Pounds.

(2) "Jumbos," as specified in paragraph (b) (2) of this section, may be handled only in 25, 50, and 75–80 pound containers.

(3) The container requirements of this paragraph shall not, but the pack requirements of paragraph (d) of this section shall, be applicable to carrots handled for export.

(d) *Pack requirements*—(1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1 Pound packages;
(ii) 48 1 Pound packages; or
(iii) 24.2 Pound packages.

(2) (i) Average gross weight of master containers is to be computed by multiplying the allowable number of packages therein by their weight classification, with respective tare allowances added. Tare allowances for crates, or their equivalents in other containers, are 4 pounds for crates Nos. 4015 and 3820, and 2 pounds for crate No. 5055. Crate designations are carrier numbers.

(ii) Master containers of packages with the following weight classifications may not weigh more than their average gross weight, plus the following tolerances:

(*a*) 1 Pound packages, 22.5 percent.
(*b*) Over 1 pound and including 2 pound packages, 15 percent.
(*c*) Over 2 pound packages, 10 percent.

(iii) Containers weighing 25 pounds or more may not exceed an average of 10 percent of the net weight of contents.

(e) *Minimum quantities.* Pursuant to § 970.52(c) (2) of this part any person subject to the regulations in this section may handle, except for export, up to but not to exceed 100 pounds of carrots per calendar month without regard to the requirements of this section or to the inspection and assessment requirements of this part, but this exception may not apply to any portion of a shipment of over 100 pounds of carrots.

(f) *Handling carrots not grown in production area.* Carrots packed, but not grown, within the production area shall meet the requirements of paragraphs (a), (b), (c), and (d) of this section unless they are handled as a distinct entity in accordance with safeguards under §§ 970.120–970.125.

(g) *Special purpose shipments.* The requirements set forth in paragraphs (a), (b), (c), and (d) of this section, and the inspection and assessment requirements of this part, shall not be applicable to carrots handled for:

(1) Canning or freezing;
(2) Relief or charity;
(3) Experimental purposes; and
(4) Livestock feed only if mechanically mutilated in accordance with § 970.126 *Handling of culls* (28 F.R. 906).

(h) *Safeguards.* Each handler of carrots failing to meet the requirements of paragraphs (a), (b), (c), and (d) of this section, which (1) are packed but not grown within the production area under paragraph (f) of this section, or (2) are handled for canning or freezing, relief or charity, or experimental purposes under paragraph (g) of this section shall, prior to handling, apply for and obtain a Certificate of Privilege from the Committee. This shall require the handler to furnish reports and documents as the Committee may require showing that the carrots were handled in accordance with conditions specified in the certificate. Certificates are not required on carrots for canning or freezing if processed within Cameron, Starr, Willacy, and Hidalgo Counties.

(i) *Inspection.* (1) No handler may handle any carrots for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of carrots by motor vehicle for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto.

(3) For administration of this part each inspection certificate is valid for only 72 hours following completion of inspection as shown on the certificate.

(j) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (§§ 51.2360–51.2381 of this title) including the tolerances set forth therein with the following exceptions: (1) For packages which contain 5 pounds or less, a composite sample of 50 carrots will be scored and restricted to double the tolerances for defects and off-size, provided that no more than one carrot which is affected by soft rot will be permitted in any package, and (2) for packages of more than 5 pounds the percentages of defects and off-size shall be calculated on the basis of count. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142, and Order No. 970 (Part 970 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 9, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–10845; Filed, Oct. 11, 1963; 8:47 a.m.]

[7 CFR Part 970]

CARROTS GROWN IN SOUTH TEXAS

Proposed Amendment to Rules and Regulations

Notice is hereby given that the Secretary of Agriculture is considering the approval of an amendment to the existing rules and regulations, as hereinafter set forth, which was recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement

No. 142 and Order No. 970 as amended (7 CFR Part 970; 28 F.R. 7467, 7584), regulating the handling of carrots grown in designated counties in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than seven days following publication of this notice in the FEDERAL REGISTER.

The proposed amendment would delete present §§ 970.120 through 970.125, and insert in lieu thereof new §§ 970.120 through 970.125, to read as follows:

§ 970.120 Policy.

(a) Whenever shipments of carrots for special purposes pursuant to § 970.53, are relieved in whole or in part from regulations issued under § 970.52 the committee may require information and evidence on the manner, methods and timing of such shipments as safeguards against the entry of such carrots in trade channels other than those for which intended. Such information and evidence shall include requirements set forth below with respect to Certificates of Privilege.

(b) Unless carrots packed, but not grown, in the production area are handled in accordance with regulations issued pursuant to § 970.52 they must be handled as a distinct entity and the committee may require information and evidence on the origin, quantity and methods of handling to insure that such carrots are not commingled with or represented as carrots grown in the production area. Such information and evidence may include requirements set forth below with respect to Certificates of Privilege.

§ 970.121 Qualification.

Before handling carrots for special purposes or carrots packed but not grown within the production area, which do not meet regulations issued pursuant to § 970.52, a handler when required by such regulations must qualify with the committee to handle such shipments. To qualify he must (a) apply for and receive the Certificate of Privilege indicating his intent to so handle carrots, (b) agree to comply with reporting and other requirements set forth in §§ 970.120 to 970.125, inclusive, with respect to such shipments and (c) receive approval of the committee or its duly authorized agents to so handle carrots. Such approval will be based upon evidence furnished in the application for Certificate of Privilege and other information available to the committee.

§ 970.122 Application.

(a) Applications for a Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, and quality of the carrots to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the carrots are to be used; and certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon, and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 970.120.

(b) The committee may require each handler making shipments of carrots for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525–V applicable to such shipments.

(c) Each handler of carrots packed but not grown within the production area shall:

(1) Provide adequate evidence of production in other than the production area. Such evidence may include certification of origin of shipment, quantity and carrier by the Federal or Federal State Inspection Service at point of origin, or such other evidence deemed by the committee to be necessary evidence.

(2) Maintain physical separation and identification of out-of-production area carrots from South Texas carrots throughout receipt, packing, or other preparation for market by not handling out-of-production area carrots and South Texas carrots at the same time in the same packing facility.

(3) Identify out-of-production carrots when packed and marketed as to the State or area where grown by labeling or other appropriate means of identification on the containers and packages, and

(4) Provide evidence to the Federal State Inspection Service that the other than production area carrots are handled without commingling with production area carrots.

§ 970.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon the determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period and, relative to special purpose shipments, it shall specify consignees and qualities and quantities of carrots to be sold or transported for the purpose declared.

§ 970.124 Reports.

Each handler of carrots shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee, or its duly authorized agents, showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee, the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 970.125 Disqualification.

The committee from time to time may conduct surveys of handling of carrots requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that the handler or consignee is failing to comply with the requirements and regulations applicable to handling of carrots requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and subsequent certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee, but in no event shall it extend beyond the date of the succeeding fiscal period. Any handler who has a Certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

Dated: October 9, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63–10844; Filed, Oct. 11, 1963; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 25, 121]

IDENTITY STANDARDS FOR MAYONNAISE, FRENCH DRESSING, SALAD DRESSING; FOOD ADDITIVES IN FOOD FOR HUMAN CONSUMPTION

Proposals To Amend Standards and Food Additive Regulations To Permit Use of Preservatives Calcium Disodium Ethylenediaminetetraacetate and Disodium Ethylenediaminetetraacetate

A. In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that petitions have been filed by Corn Products Company, 717 Fifth Avenue, New York, New York, and by the Kraft Foods Division of National Dairy Products Corporation, 500 Peshtigo Court, Chicago, Illinois, proposing that amendments be made of the standards of identity for mayonnaise, french dressing, and salad dressing to provide for using specified derivatives of ethylenediaminetetraacetic acid as optional preservation ingredients. Both petitions are based on using the chemical preservative to retard flavor deterioration, and they propose that the quantity of the preservative be limited to not more than 75 parts per million.

The petition by Corn Products Company proposes that the standard for french dressing (21 CFR 25.2) be amended to recognize calcium disodium ethylenediaminetetraacetate as a permitted

optional preservative ingredient and to provide that the use of such preservative ingredient shall be shown by the label statement "Calcium disodium EDTA added as a preservative", or, alternatively, "Calcium disodium EDTA added to protect flavor."

The petition by Kraft Foods Division proposes that the standards for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, and 25.3) be amended to provide for the use in each of these foods of an optional preservative ingredient consisting of calcium disodium ethylenediaminetetraacetate, or disodium ethylenediaminetetraacetate, or both. This petition proposes that labeling requirements of the standards be amended to provide that when the preservative ingredient is used the label shall bear the statement "_____ added as a preservative," blank being filled in with the designations "calcium disodium EDTA" or "disodium EDTA" or "calcium disodium EDTA and disodium EDTA," as appropriate.

B. Calcium disodium ethylenediaminetetraacetate and disodium ethylenediaminetetraacetate are food additives within the meaning of sections 201(s) and 409 of the Federal Food, Drug, and Cosmetic Act. Therefore, in accordance with the procedure outlined in § 10.4 *Food additives proposed for use in foods for which definitions and standards of identity are established,* and under the authority of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the Commissioner further proposes to amend the food additive regulations to reflect the proposed amendments to the standards of identity for the foods hereinbefore specified and to recognize the now commonly used names of the additives. The amendments proposed will be effected:

1. By changing the section heading, the introduction to § 121.1017, the table in paragraph (b)(2), and paragraph (d) to read as set forth below:

§ 121.1017 Calcium disodium EDTA.

The food additive calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) may be safely used in designated foods for the purposes and in accordance with the conditions prescribed, as follows:

* * * * *

(b) * * *

(2) * * *

Food	Limitation (parts per million)	Use
Dressings, nonstandardized	75	Preservative.
French dressing	75	Do.
Mayonnaise	75	Do.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

* * * * *

(d) In the standardized foods listed in paragraph (b) of this section, the additives are used only in compliance with the applicable standards of identity for such foods.

2. By changing the section heading of § 121.1056 and the tabulations in paragraph (b) (1) and (2) to read as set forth below and by adding to the section a new paragraph (d), as follows:

§ 121.1056 Disodium EDTA.

* * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
Aqueous multivitamin preparations.	150	With iron salts as a stabilizer for vitamin B_{12} in liquid multivitamin preparations.
Canned kidney beans	165	Preservative.
Dressings, nonstandardized.	75	Do.
French dressing	75	Do.
Frozen white potatoes including cut potatoes.	100	Promote color retention.
Mayonnaise	75	Preservative.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

(2) * * *

Food	Limitation (parts per million)	Use
Dressings, nonstandardized	75	Preservative.
French dressing	75	Do.
Mayonnaise	75	Do.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

* * * * *

(d) In the standardized foods listed in paragraph (b) (1) and (2) of this section the additives are used only in compliance with the applicable standards of identity for such foods.

All interested persons are invited to submit their views in writing regarding the proposals published hereinabove. Such views and comments should be submitted preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 8, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10834; Filed, Oct. 11, 1963; 8:47 a.m.]

[21 CFR Part 45]

OLEOMARGARINE, MARGARINE; DEFINITION AND STANDARD OF IDENTITY

Notice of Proposal To Amend Identity Standard by Listing Calcium Disodium Ethylenediaminetetraacetate as Optional Preservative Ingredient

Notice is given that a petition has been filed by Corn Products Company, 717 Fifth Avenue, New York, New York, proposing that the identity standard for oleomargarine be amended to provide for using calcium disodium ethylenediaminetetraacetate as an optional preservative ingredient and proposing the label statements to be prescribed in the standard for showing that the oleomargarine contains this added chemical preservative.

It is proposed that § 45.1 *Oleomargarine, margarine; identity; label statement of optional ingredients* be amended as set forth below:

1. By adding to paragraph (a)(3), a new subdivision (xii) reading as follows:

(xii) Calcium disodium EDTA, incorporated in the milk ingredient used, in an amount not to exceed 75 parts per million by weight of the finished oleomargarine.

2. By adding to the list in paragraph (b)(1) a new item reading as follows:

Subparagraph (3)(xii)—"Calcium disodium EDTA added to protect flavor" or "Calcium disodium EDTA added as a preservative."

In a notice published concurrently with this document (28 F.R. 10976), the Commissioner of Food and Drugs is proposing that the food additive regulations be amended to provide for the use of the name "calcium disodium EDTA" as the common or usual designation of calcium disodium ethylenediaminetetraacetate.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 8, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10835; Filed, Oct. 11, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Economic Regs. Docket No. 14749]

EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND STATEMENTS OF GENERAL POLICY

Supplemental Notice of Proposed Rulemaking

OCTOBER 10, 1963.

The Board, by publication in 28 F.R. 9989 and by circulation of a Notice of Proposed Rulemaking, EDR-60, PSDR-

7, dated September 11, 1963, gave notice that it had under consideration amendments to Part 288 of its Economic Regulations and Part 399 of its Policy Statements which would, among other matters, revise the minimum rates and minimum utilization of aircraft requirements for short-notice MATS charters in foreign and overseas transportation, and between the 48 contiguous states, on the one hand, and Alaska and Hawaii, on the other hand.

Certain air carriers which may be substantially affected by the amendments have requested that further time be allowed for compilation of additional economic data and preparation of adequate comments in light thereof. The undersigned finds that good cause has been shown for an extension of time for receipt of comments, and an additional two weeks will be allowed.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice No. PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the proposed amendments to Parts 288 and 399 until October 28, 1963. All relevant data and information received on or before that date will be considered by the Board before taking action on the proposed amendment. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a), 407, and 416 of the Federal Aviation Act of 1958; 72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] CHARLES A. HASKINS,
Acting Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 63-10876; Filed, Oct. 11, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airpsace Docket No. 63-SW-40]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Palacios, Tex., terminal area:

1. The Palacios control zone is designated as that airspace within a 3-mile radius of Palacios Airport and within 2 miles each side of the Palacios VOR 305° and 125° True radials, extending from the 3-mile radius zone to 10 miles northwest of the VOR.

2. The Houston, Tex., control area extension is designated, in part, as that airspace bounded by a line extending from latitude 29°37'30" N., longitude 94°00'00" W., thence southwest 3-nautical miles from and parallel to the shoreline to latitude 28°23'20" N., longitude 96°17'30" W., thence clockwise along the arc of a 25-mile radius circle centered at latitude 28°44'45" N., longitude 96°17'-00" W., to latitude 28°55'00" N., longitude 96°38'45" W., thence northeast to latitude 29°58'30" N., longitude 95°58'-30" W.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Palacios area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Redesignate the Palacios control zone as that airspace within a 5-mile radius of the Palacios Municipal Airport (latitude 28°43'35" N., longitude 96°15'-15" W.). The proposed alteration of the Palacios control zone would increase the basic 3-mile radius zone to 5 miles to provide protection for larger, more-modern type aircraft executing prescribed instrument approach and departure procedures at the Palacios Municipal Airport and would eliminate the northwest control zone extension as it is no longer required for air traffic control purposes.

2. Designate the Palacios transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VOR 308° True radial, extending from the VOR to 8 miles northwest; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the Palacios VOR 308° and 128° True radials, extending from 13 miles northwest to 7 miles southeast of the VOR; and within 5 miles each side of the Palacios VOR 128° True radial, extending from 7 miles southeast to 23 miles southeast of the VOR, excluding the portion outside of the United States. This would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures at the Palacios Municipal Airport.

The floors of the airways which traverse the transition area proposed herein and the floor of the portion of the Houston control area extension which coincides with the proposed transition area would automatically assume a floor coincident with the floors of the transition area. Revocation of the Houston control area extension will be processed at a later date as a part of the CAR Amendments 60-21/60-29 implementation program for the Houston terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on October 7, 1963.

MICHAEL J. BURNS,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 63-10805; Filed, Oct. 11, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 2009]

VICKERS VISCOUNT MODELS 745D AND 810 SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Vickers Viscount Models 745D and 810 Series aircraft. There have been several instances of failure of the fuselage leading edge frame and associated floor beam in the region of the top leading edge fittings and also in the leading edge frame top spigot fittings and their mating socket fittings which are attached to the inner wing leading edge member. To correct this unsafe condition, this AD requires inspection and repair, reinforcement, or replacement of any parts found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be sub-

mitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before November 15, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

Fatigue failures have occurred in the fuselage leading edge frame and associated structure. To preclude further failures accomplish the following:

(a) Fuselage frame:

(1) Within 175 landings after the effective date of this AD on aircraft which have attained 8,000 landings, unless already accomplished within the last 500 landings, conduct initial visual inspection for cracks in accordance with the applicable Vickers Preliminary Technical Leaflet referenced herein. Accomplish repair in (2) or (3) as applicable, before further flight if the inspection reveals any of the following:

(i) Cracks in the frame joint pressings or in the floor beam or in the floor beam joint plates—either in the flanges or running towards the flanges or in the heel line of the flanges.

(ii) Any single crack not defined in (a)(1)(i), greater in length than 1.5 inches.

(iii) Two or more cracks not defined in (a)(1)(i).

(2) Model 745D cracked frame joint pressings must be repaired/reinforced per Modification D.3059, or any alternative scheme which has been approved by the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area.

(3) Model 810 Series aircraft. Figure 2, PTL 106 Issue 2 illustrates a temporary repair scheme, applicable only where unacceptable cracks, confined to the areas indicated in Figure 1 of the referenced PTL are present. Unacceptable cracks, outside those areas must be repaired/reinforced in accordance with Mod. FG. 1928 part (b). Any alternative scheme which has been approved by the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area may be used.

(4) Subsequent to the initial inspection, per (1), aircraft are considered serviceable if the following repetitive inspections of the frame structure are accomplished at the periods indicated.

(i) Within every 700 landings:

(a) When no cracks are present.

(b) Where any acceptable single crack not greater in length than 1.5 inches is present.

(c) When VTO/700/169 or any other temporary repair scheme approved by the aircraft manufacturer or by the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area, has been incorporated.

(ii) At routine overhaul periods not later than every 12,000 flying hours: After reinforcement of the frame structure by incorporation of Mod. D.3059 (for 745D) or Mod. FG. 1928 part (b) (for 810), or any alternative reinforcement approved by the aircraft manufacturer, or by the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area. (Continental Air Lines Repair/Reinforcing Scheme 753—43079 has been approved by the aircraft manufacturer for aircraft repaired/reinforced prior to the effective date of this AD.)

(b) Inspection of top spigot and socket fittings and attachment bolts:

(1) From effective date of this AD within 1,000 landings on aircraft which have already attained 12,000 landings or within 2,000 landings on aircraft which have accumulated between 8,000 and 12,000 landings, unless already accomplished, conduct initial visual in situ inspection of the spigot and socket fittings for cracks and the associated attachment bolts for damage, in accordance with the applicable PTL referenced herein. Cracked fittings or damaged bolts must be replaced before further flight. Initial inspection of replacement fittings with new original type fittings need not be conducted until these fittings have accumulated 8,000 landings.

(2) Subsequent to the initial inspection in (b)(1) conduct repetitive inspections within every 2,000 landings until Mod. D.3072 (for 745D) Mod. FG. 1928 part (a) (for 810) is embodied. Inspect modified fittings at routine overhaul periods not later than every 12,000 hours' time in service.

(3) Modified fittings shall be used in pairs. Single modified fittings shall not be used to replace unserviceable unmodified items.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

It will be necessary for the operator to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to the effective date of this AD may be estimated by substituting one landing for each hour in service prior to the effective date of this AD.

(Vickers-Armstrongs PTL 242 Issue 2 (700 Series) and Modifications D.3059 and D.3072 for 745D aircraft, PTL 106 Issue 2 (800/810 Series) and Modification FG. 1928 for 810 Series aircraft cover this subject.)

Issued in Washington, D.C., on October 7, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-10806; Filed, Oct. 11, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 2010]

VICKERS VISCOUNT MODEL 810 SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Vickers Viscount Model 810 Series aircraft. Several cases of cracking of the flap beam have occurred due to fatigue. To correct this unsafe condition, this AD requires inspection of the flap beams for cracks and repair as indicated.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. All communications received on or before November 15, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354 (a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount Model 810 Series aircraft.

Compliance required as indicated.

Fatigue failures have been reported on flap beams in the areas shown in Figures 4 and 5 of Vickers Preliminary Technical Leaflet No. 107 Issue 2 (800/810 Series). To preclude further failures accomplish the following on Nos. 1 and 4 flap units:

(a) Within 200 landings after the effective date of this AD, on aircraft which have accumulated 10,000 or less landings, unless already accomplished within the past 1,300 landings, conduct dye penetrant or FAA approved equivalent inspection for cracks in accordance with PTL 107 Issue 2. If no cracks are found, reinspect at intervals not exceeding 1,500 landings until the aircraft accumulates between 10,000 and 11,000 landings during which time the airplane must be reinspected. Thereafter, the aircraft must be reinspected at intervals not exceeding 600 landings until a total of not more than 12,000 landings are accumulated at which time either of the following or FAA approved equivalent must be incorporated:

(1) Modification FG. 1946, or

(2) The repair/reinforcing scheme defined in the referenced PTL.

(b) Within 50 landings after the effective date of this AD on aircraft which have attained over 10,000 landings, unless already accomplished within the past 550 landings, conduct the inspection of (a). If no cracks are found, reinspect at intervals not exceeding 600 landings until reinforcing scheme (a)(1) or (a)(2), or FAA approved equivalent, has been incorporated. Incorporate the reinforcing scheme within 2,000 landings after the effective date of this AD.

(c) Cracked flap beams are considered acceptable for a further 500 landings provided that the cracks are within the limits specified in "Definition of Serviceability" paragraph 3 of the referenced PTL, and provided that the area is reinspected in accordance with (a) within every 100 landings to ensure that no crack propagation has occured. Incorporate repair/reinforcing scheme (a)(1) or (a)(2), or FAA approved equivalent, as follows:

(1) Within 10 landings from the time of crack detection for aircraft with unacceptable cracks, and within 10 landings for aircraft with cracks that are found to propagate in length.

(2) On or before the completion of 500 landings from the time of crack detection for aircraft with acceptable cracks.

(d) After incorporating the modification of (a) (1) or (a) (2), or FAA approved equivalent, the special inspection of this AD may be discontinued.

It will be necessary for the operator to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to the effective date of this AD may be estimated by substituting one landing for each hour in service prior to the effective date of this AD.

(Vickers-Armstrongs PTL No. 107 Issue 2 (800/810) and Modification FG. 1946 cover this subject.)

Issued in Washington, D.C., on October 7, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-10807; Filed, Oct. 11, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 566, Amdt. 10]

CONTRACTING AND RELATED MATTERS

Designation and Delegation of Authority

Section 2 of Order 566 (19 F.R. 3971) as amended (20 F.R. 2092, 5703; 21 F.R. 2290, 7460, 8219; 23 F.R. 5611; 24 F.R. 8952; 27 F.R. 12143; 28 F.R. 3991), is further amended to reflect designation of an additional contracting officer by the addition of new subsection (f) to section 2(a)(2). The amended portion of section 2 reads as follows:

SEC. 2. *Designation of Contracting Officers and Contracting Officers' authorized representatives*—(a) *Contracting Officers.* * * *

(2) *Area Office Officials.* * * *

(f) Contract Engineer Adviser (Portland Area)

JOHN O. CROW,
Acting Commissioner.

OCTOBER 4, 1963.

[F.R. Doc. 63-10819; Filed, Oct. 11, 1963; 8:46 a.m.]

Bureau of Land Management

[Wyoming 0275223]

WYOMING

Order Providing for Opening of Public Lands

OCTOBER 7, 1963.

1. In an exchange of lands with the State of Wyoming under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), as amended, the following described lands have been conveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 30 N., R. 60 W.,
Sec. 15, Lot 3.

Containing 11.73 acres.

T. 31 N., R. 119 W.,
Sec. 18, Lot 8.

Containing 29.14 acres.

2. The land described in T. 30 N., R. 60 W. is located near the Wyoming-Nebraska border in Goshen County, approximately 15 miles northeast of the town of Jay Em, Wyoming. The general area consists of cattle and sheep ranches. The subject land is gently rolling, grass-type cover of fair to good livestock carrying capacity. There is no water nor improvements on the land.

The land above described in T. 31 N., R. 119 W. is in the Star Valley area of Lincoln County, Wyoming. The general area consists of small farms based on production of livestock and dairying. The tract is characterized by steep grazing land supporting a sagebrush-grass covering of fair to good livestock carrying capacity. No water nor improvements are on the land.

3. Pursuant to the authority delegated to me by section 1.5(b), Part 1, Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), of the Associate Director, Bureau of Land Management, the lands described in Paragraph 1 hereof will be open at 10 a.m. on November 12, 1963, to the filing of applications, selections and locations under the public land laws, mineral leasing laws and the general mining laws, subject to all valid existing rights, equitable claims, the provisions of existing withdrawals, the requirements of applicable laws, rules and regulations. The land in Sec. 18, T. 31 N., R. 119 W. is under oil and gas lease Wyoming 084990.

4. Inquiries concerning the lands should be addressed to the Assistant State Director, Bureau of Land Management, P.O. Box 929, Cheyenne, Wyoming.

ED PIERSON,
State Director.

[F.R. Doc. 63-10821; Filed, Oct. 11, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 1]

ORGANIZATION AND FUNCTIONS

Delegations of Authority

Paragraph III E 1 of 28 F.R. 4368 dated May 2, 1963 is amended to read as follows:

1. *Inventory Management Division.* The Inventory Management Division formulates, develops and coordinates a broad comprehensive inventory management program for ASCS, CCC, including: storage and handling standards, guides and practices, uniform and special storage and handling agreements, examination and approval of warehouses, positioning, care and management of inventories, emergency storage programs, technical transportation advice and assistance. It provides appropriate instructions, interpretations and reviews pertaining to assigned functions, and carries out assigned defense activities.

Signed at Washington, D.C., this 9th day of October 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and conservation Service.

Approved:

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 63-10847; Filed, Oct. 11, 1963; 8:47 a.m.]

Office of the Secretary

NORTH CAROLINA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Sampson County, North Carolina, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of October 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-10849; Filed, Oct. 11, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 18]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. Pursuant to the National Security Action Memorandum No. 220, dated February 5, 1963, addressed to The Secretary of State; The Secretary of Defense; The Secretary of Agriculture; The Secretary of Commerce; The Administrator, Agency for International Development; and The Administrator, General Services Administration, concerning United States Government shipments by foreign-flag vessels in the Cuban trade, the Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through October 4, 1963, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2:

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total—All flags (183 ships)	1,449,622
British (54 ships)	506,467
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300

FLAG OF REGISTRY AND NAME OF SHIP—*Con.*

British (54 ships)—Continued	Gross tonnage
Arlington Court	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cedar Hill	7,156
Chipbee	7,271
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Ho Fung	7,121
Inchstaffa	5,255
Ivy Fair (now Cosmo Trader)	7,201
Kirriemoor	5,923
Linkmoor	8,236
London Confidence (Tanker)	21,699
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Independence (Tanker)	22,643
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
London Victory (Tanker)	12,132
Lord Gladstone	11,299
Maratha Enterprise	7,166
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Shienfoon	7,127
Silverforce	8,058
Silverlake	8,058
Stanwear	8,108
Suva Breeze	4,970
Thames Breeze	7,878
Tulse Hill	7,120
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (54 ships)	421,629
Aegalon	7,239
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
Americana	7,104
Anacreon	7,359
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
Despoina	5,006
Efcharis	7,249
Eftychia	7,223
Embassy	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Hydraios III	5,239
*Irena	7,232
Istros II	7,275
Katingo	7,349
Kostis	7,264
Kyra Hariklia	6,888
Maria de Lourdes	7,219
Maria Santa	7,217

*Added to Report No. 17 appearing in the FEDERAL REGISTER issue of September 27, 1963.

FLAG OF REGISTRY AND NAME OF SHIP—*Con.*

Greek (54 ships)—Continued	Gross tonnage
Maria Theresa	7,245
Maroudio	7,369
Mastro-Stelios II	7,282
Nicolaos Frangistas	7,199
North Empress	10,904
North Queen	9,341
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
Polaris	9,603
Pollux	9,956
Polyxeni	7,143
Presvia	10,820
Propontis	7,128
Redestos	5,911
Seirios	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos	7,244
Timios Stavros	5,269
Tina	7,362
Vassiliki (Tanker)	10,507
Western Trader	9,268
Lebanese (32 ships)	215,751
Aiolos II	7,256
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Areti	7,176
Aristefs	6,995
Astir	5,324
Carnation	4,884
Dimos	7,187
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Malou	7,145
Mantric	7,255
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani	7,253
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Tertric	7,045
*Theologos	6,529
Vassiliki	7,192
Italian (10 ships)	76,816
Achille	6,950
Airone	6,969
Annalisa	2,479
Arenella	7,183
Aspromonte	7,154
Cannaregio	7,184
Linda Giovanna (Tanker)	9,985
Nazareno	7,173
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Polish (8 ships)	51,899
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237

FLAG OF REGISTRY AND NAME OF SHIP—*Con.*

Polish (8 ships)—Continued	Gross tonnage
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica	7,145
Norwegian (5 ships)	54,502
Kongsgaard (Tanker)	19,999
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
Tine (now Jezreli)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
Guinee	3,048
Nelee	2,874
Spanish (3 ships)	5,564
Castillo Ampudia	3,566
Sierra Madre	999
Sierra Maria	999
Moroccan (3 ships)	29,532
Atlas	10,392
Mauritanie	10,392
Toubkal	8,748
Swedish (2 ships)	14,295
Dagmar	6,490
Atlantic Friend	7,805
Finnish (1 ship):	
Valny (Tanker)	11,691
Japanese (1 ship):	
Meishun Maru	8,647

SEC. 2. In accordance with the provisions of National Security Action Memorandum No. 220 of February 5, 1963, the following vessels which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance that no ships under their control will, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade:

a. Since last report: None.

b. Previous reports:

Flag of registry:	Number of ships
British	2
Danish	1
German (West)	1
Greek	1
Norwegian	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba in 1963, based on information received through October 4, 1963:

Flag of registry	Number of trips									
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
British	5	8	8	17	13	15	14	11	8	99
Greek	4	6	8	8	17	12	17	7	5	84
Lebanese	1		2	8	8	9	8	3	3	42
Norwegian		2	4		1	2	1	2	1	13
Italian	1	1	1	2	3	2	2	2		14
Yugoslav		2	2	1	1		1	1	1	9
Spanish			2				1	1	1	5
Danish			1							1
Finnish						1				1
French									5	5
German (West)					1					1
Japanese	1									1
Moroccan			1			1	1	1	1	5
Swedish				1		1		1		3
Subtotal	12	19	29	37	44	43	45	29	25	283
Polish	2	1	1	2	2	2	1	1		12
Grand total	14	20	30	39	46	45	46	30	25	295

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: October 8, 1963.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 63-10839; Filed, Oct. 11, 1963; 9:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition Regarding Food Additive Polysorbate 60

POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1228) has been filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, proposing the issuance of an amendment to § 121.1030 to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as an emulsifier in nonstandardized dressings made without egg yolk, whereby the maximum amount of the additive does not exceed 0.3 percent (3,000 parts per million) of the weight of the dressing.

Dated: October 8, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-10833; Filed, Oct. 11, 1963; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14682]

CUNARD EAGLE PERMIT

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence Monday, October 21, 1963, at 10:00 a.m., l.t., in Room 911 of the Universal Building, 1825 Connecticut Avenue NW., Washington 25, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Is the applicant fit, willing; and able properly to perform the air transportation proposed in its application and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. Will the air transportation proposed in the application be in the public interest?

3. Is substantial ownership and effective control of the applicant vested in nationals of the United Kingdom?

4. If the application is granted, what should be the duration of the permit and what terms, conditions, and limitations, if any, should be attached thereto?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., October 9, 1963.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 63-10842; Filed, Oct. 11, 1963; 8:47 a.m.]

JOINT CONFERENCE 3-1 OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1963.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17004, R-10.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notice to the carriers and promulgated in IATA memorandum JT31/Rates 289, cancels the following specific commodity rates:

ITEM 1026—FISH, LIVE, INEDIBLE

From—	To—	Rate in cents per kilogram	Minimum weight
			Kilograms
Bangkok	New York	408	100
Do	West Coast	398	100

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17004, R-10, be approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-10843; Filed, Oct. 11, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 63-EA-14]

MONONGAHELA POWER CO.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (1-OE-3215) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Monongahela Power Company, Fairmont, West Virginia, proposes to construct a 450-foot extension of its existing electric distribution line near Lewis Field, Buckhannon, West Virginia, aligned in a north/south direction near latitude 38°59'25" N., longitude 80°16'-30" W. The proposed extension would consist of three additional utility poles, all thirty feet above ground, but having top elevations of 1,456 feet MSL, 1,455 feet MSL and 1,454 feet MSL, respectively, and all would be connected by

wires to each other and the existing electric line.

The aeronautical study disclosed that the proposed structure would be located approximately 260 feet west of the west end of the only runway at Lewis Field. The extension to the existing electric line would carry it across the path of the extended centerline of the runway. It would exceed the 20:1 non-instrument approach area surface as defined in § 77.27(b)(3) of the Federal Aviation regulations, as applied to the runway by approximately 16 feet. An 8:1 obstruction clearance slope would result, whereas, Agency standards establish 20:1 for airports with runways the length of the one at Lewis Field. By applying a 20:1 slope ratio to provide standard obstruction clearance from the proposed structure it was found that only 1,280 feet of runway would be usable for aircraft landing to the east or taking off to the west. Therefore, if the proposed structure were to be built it would be a formidable obstruction to such aircraft operations from this runway.

Lewis Field is the only airport serving the Buckhannon area and has 6 based aircraft, one of which is a multi-engine aircraft.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations at Lewis Field.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 7, 1963.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-10808; Filed, Oct. 11, 1963; 8:45 a.m.]

[OE Docket No. 63-SW-6]

TOMMY MOORE, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SW-OE-4827) to determine its effect upon the safe and efficient utilization of navigable airspace.

Tommy Moore, Inc., Fort Worth, Texas, proposes to construct a radio antenna structure in Dallas, Texas, at latitude 32°48'41" N., longitude 96°53'49" W. The overall height of the structure would be 906 feet above mean sea level (500 feet above ground).

At the proposed location and height, the proposed structure would be approximately four miles southwest of Dallas Love Field and two and one-fourth miles west/southwest of the Dallas Non-Directional Radio Beacon. It would exceed the standards for determining hazards to air navigation in § 77.23(a)(2) of the Federal Aviation regulations by 300 feet since the site would be located within a control zone and a Federal airway.

The aeronautical study disclosed that the structure would be located in proximity to routes used extensively by aircraft operating in accordance with the Visual Flight Rules and with special VFR procedures authorized for flights in the Dallas-Fort Worth, Texas, area. If the proposed structure were erected, it would be necessary to change special VFR procedures which presently authorize VFR operations between Love Field and Greater Southwest Airport at flight altitudes of 1,100 feet AMSL during daylight hours and 1,300 feet AMSL during night hours. The special VFR procedures allow aircraft to operate during weather conditions which are less than those prescribed for normal VFR flight. The purpose of such special procedures is to expedite air traffic movement in a high density terminal area where it can be accomplished without sacrificing safety. The affected minimum altitudes would require adjustment upward to 1,400 feet and 1,600 feet, respectively, thus derogating the effectiveness of the special VFR procedures.

VFR traffic operating in the immediate vicinity of the construction site, but not authorized to use the special VFR procedures, would also be affected if the proposed structure were erected. Since the construction site is located in a congested area, pilots not authorized to use the special VFR procedures would be required to fly at least 1,000 feet above the top of the structure when operating within a horizontal radius of 2,000 feet from the structure. Unlike the VFR traffic using the special procedures, however, these flights could still use minimum altitudes comparable to those presently in effect in the general area by making a slight adjustment of route to avoid the site of the structure.

The aeronautical study also disclosed that the construction of the proposed structure would have the following adverse effects upon instrument flight rules operations in the Dallas terminal area:

1. Require cancellation of the 400-1 straight-in minima for Love Field ADF-2 standard instrument approach procedure.

2. Require cancellation of the 400-1 straight-in minima for Love Field Runway 36 radar surveillance approach procedure.

3. Require a restriction of 1,200 feet minimum altitude for instrument approaches to Love Field Runway 36, a restriction which would result in excessive rates of descent for aircraft making instrument approaches to this runway.

The Agency study disclosed that a substantial number of aeronautical operations would be adversely affected if the IFR procedures were cancelled or amended for the purpose of accommodating the proposed structure. The Agency records reveal a total of 250,982 aircraft operations during calendar year 1962 of which 96,101 were instrument operations including 10,328 instrument approaches.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would derogate the use of existing IFR and special VFR procedures in the Dallas terminal area to such an extent that they could not be safely used by aircraft. To change the affected procedures and minimum flight altitudes for the purpose of accommodating the proposed structure would have an adverse effect upon aircraft operating in the Dallas terminal area since they would be denied the use of the lower altitudes and landing minimums they are now using.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of the navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 7, 1963.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 63-10809; Filed, Oct. 11, 1963; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CANTON RAILROAD CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-29, between Canton Railroad Company (Canton) and Sea-Land Service, Inc. (Sea-Land), provides for a five year lease of certain pier and terminal property adjacent to Canton's Pier 10 at Baltimore, Maryland. The premises are to be used for the receiving, delivering, handling and storing of cargo to and from vessels, and the parking or storing of tractors, trailers, chassis including those of Sea-Land's agents, used in trucking cargo to or from vessels. In consideration therefore, Sea-Land shall pay an annual rental of $135,000, and such rental shall be in lieu of all charges customarily assessed by Canton

for dockage, wharfage, top wharfage, wharf demurrage, wharf storage, space assignment, freight transfer service charge, service and facility charge, and all other charges governing the docking of vessels and the storing, transferring and handling of cargo. Canton is permitted to use a certain portion of the leased premises and adjacent berthing area to dock and service vessels other than those of Sea-Land provided that such use does no interfere with Sea-Land's operations. As consideration therefore, Canton shall pay Sea-Land all dockage charges assessed against vessels berthed at such facility.

Agreement No. T-32, between Maryland Port Authority (MPA) and Baltimore & Ohio Railroad (Railroad), provides for a 40 year lease of certain terminal property and facilities at Locust Point, Baltimore, Maryland, to be operated by MPA as a marine terminal at an annual rental of $1.00. MPA has certain options to purchase the facilities during the initial term of the lease and if no option is exercised, the lease will be automatically renewed for an additional 40 years. MPA agrees to expend $6,987,000 for modernization and construction during the first five years of occupancy. Railroad will have the exclusive right to provide rail service to and from the facilities and agrees to pay terminal service charges and loading and unloading charges as set forth in MPA's Terminal and Service Tariff No. 1. MPA reserves the right to amend their tariff but only upon thirty (30) days prior notice to and after consultation with the Railroad. MPA agrees that the terminal service charge will be assessed without discrimination against all types of transport and that its charges to the Railroad will be no greater than like charges assessed against other rail carriers at other facilities operated by the MPA. Railroad retains the right to operate Pier 7 (Grain Pier) at its own expense and for its own account under terms and conditions set forth in the agreement.

Interested parties may inspect the agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

OCTOBER 9, 1963.

[F.R. Doc. 63-10838; Filed, Oct. 11, 1963; 8:47 a.m.]

[Docket No. 1143]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Minimum Rates and Charges Between Jacksonville and Puerto Rico; Notice of Vacation of Suspension

On September 5, 1963, the Commission suspended and placed under investigation certain minimum rates and charges of Sea-Land Service, Inc. For the reasons set forth in the Commission's Report issued this date in Docket No. 1144, which Report is hereby referred to and made a part hereof,

It is ordered, That the suspension ordered herein by the Commission on September 5, 1963, is hereby vacated effective October 8, 1963.

By the Commission, October 3, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 63-10839; Filed, Oct. 11, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7128]

PACIFIC POWER AND LIGHT CO.

Notice of Application

OCTOBER 7, 1963.

Take notice that on September 27, 1963 Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of not to exceed 732,854 shares of its Common Stock with a par value of $3.25 per share. Applicant proposes to offer the aforesaid Common Stock initially on a pro rata basis to holders of record of Applicant's presently outstanding Common Stock on the rights offering record date (presently expected to be October 30, 1963) in the ratio of one share of additional Common Stock for each twenty shares then held. The price of the additional shares will be determined by Applicant's Board of Directors shortly before the proposed offering date, at an appropriate discount. Each common stockholder of record will receive a transferable subscription warrant expressed in terms of rights (equal to the number of shares of the Company's Common Stock held of record by the stockholder on the record date) which will have a life of not less than twenty days. Where the number of rights evidenced by a warrant is not evenly divisible by 20 or is less than 20, then the holder will be entitled to subscribe for one full share with the number of rights which exceeds a multiple of twenty or is less than 20. Applicant will not accept subscriptions for fractional shares. Any shares of the additional Common Stock not subscribed for by warrant holders pursuant to the aforesaid subscription offer will be sold by Applicant to underwriters at the same price at which the shares are to be sold to Applicant's stockholders. The underwriters' compensation for commitments to purchase any unsubscribed shares is to be fixed by competitive bidding.

Applicant states that the net proceeds of the additional shares of Common Stock will be applied to the payment of notes then outstanding under an existing credit agreement which will amount to approximately $5,000,000 upon completion of the financing and the balance together with internally generated funds and funds borrowed under its existing credit agreement and future credit agreements (Docket E-7129) will be used to finance the company's 1963 construction program.

The company's construction expenditures for 1963 are estimated at $52,500,000 of which approximately $27,975,000 has been expended through August 31, 1963. The principal items in applicant's construction budget and the amounts estimated to be expended in 1963 are as follows: $18,000,000 for the 3d unit at the Dave Johnson Steam Plant; $1,000,000 toward the construction of the 230/500 kv transmission line from Stephens Butte, California to Keno, Oregon; $650,000 for the completion of Applicant's portion of the Walla Walla, Washington-Wanapum Line; $1,300,000 for the completion of the 230 kv transmission line from Rock Springs, Wyoming to the Flaming Gorge Project in Utah; $300,000 toward the construction of the 230 kv transmission line from Muddy Ridge, Wyoming to Thermopolis, Wyoming; $835,000 toward the construction of the 230 kv transmission line from Frannie, Wyoming to Oregon Basin, Wyoming via Garland Dome; $300,000 for the completion of a 115 kv line from Lebanon, Oregon to Sweet Home, Oregon; $850,000 for the completion of the Walla Walla substation; $432,000 for the completion of the Rock Springs substation; $485,000 for completion of the Diamond Hill substation at Corvallis, Oregon and $16,444,000 for electric distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 23, 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10811; Filed, Oct. 11, 1963; 8:45 a.m.]

[Docket No. G-3491 etc.]

PHILLIPS PETROLEUM CO.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 8, 1963.

Phillips Petroleum Company, Docket No. G-3491; San Jacinto Oil and Gas Company (successor to Humble Oil & Refining Company), Docket No. G-5145; Skelly Oil Company, Docket No. G-5320; The Jupiter Corporation (successor to H. R. Smith (Operator), et al.), Docket No. G-9855; The Pure Oil Company, Docket No. G-10272; Humble Oil & Refining Company, Docket No. G-12175; Gulf Oil Corporation, Docket No. G-16139; Gulf Oil Corporation, Docket No. G-16218; Mountain States Natural Gas Corporation (formerly Mountain States Petroleum Corporation), Docket Nos. G-18356, G-20465, and CI63-290; Ray Barth (successor to Jack Properties, Inc.), Docket No. CI63-810 (CI60-256); Sinclair Oil & Gas Company (Operator), et al., Docket No. CI61-691; Livingston Oil Company (successor to Kidd Williams Production Corporation (Operator), et al., Docket No. CI61-1747; Jalou Gas Company (Operator), Docket No. CI62-88; Tex-Star Oil & Gas Corp., Docket No. CI62-1553; Humble Oil & Refining Company, Docket No. CI63-20; Mayflo Oil Company (Operator), et al., Docket No. CI63-222; Mayflo Oil Company, Operator, Docket No. CI63-870; Transamerican Petroleum Corporation, Docket No. CI63-1417; Pan American Petroleum Corporation (successor to S. A. Butler, et al.), Docket No. CI63-1488; Texaco, Inc., Docket No. CI64-375; Frederick W. Mueller, et al., Docket No. CI64-376; Pan American Petroleum Corporation, Docket No. CI64-377; Champlin Oil & Refining Co. (Operator), et al., Docket No. CI64-378; San Jacinto Oil and Gas Company, Docket No. CI64-379; Kewanee Oil Company, Docket No. CI64-380; The Hunter Company, Inc., Docket No. CI64-381; Commonwealth Gas Corporation, Docket No. CI64-382; H. & K. Oil & Gas Company, Docket No. CI64-383; Gulf Oil Corporation, Docket No. CI64-384; Grampian Company, Limited, Docket No. CI64-385; Gulf Oil Corporation, Docket No. CI64-386; J. P. Pruett, Docket No. CI64-387; Oklahoma Natural Gas Company, Docket No. CI64-388; Adair & Jenkins, et al., Docket No. CI64-389; Hawn Brothers (Operator), et al., Docket No. CI64-390; W. T. Carrender, et al., Docket No. CI64-391; Amerada Petroleum Corporation (Operator), et al., Docket No. CI64-392; Continental Oil Company, Docket No. CI64-393; Socony Mobil Oil Company, Inc., Docket No. CI64-394; E. M. and W. E. Smith, Docket No. CI64-395; A. R. Dillard, et al., Docket No. CI64-396; E. K. Edmiston (Operator), et al., Docket No. CI64-397; The Shamrock Oil and Gas Corporation, Docket No. CI64-398; R. L. McCulty, et al., Docket No. CI64-399; Delhi-Taylor Oil Corporation, Docket No. CI64-400; Pan American Petroleum Corporation, Docket No. CI64-401; Bill Ferguson d/b/a Ferguson Oil Company, et al., Docket No. CI64-402.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and Location	Price Per Mcf	Pressure base
G-3491 C 9-30-63	El Paso Natural Gas Co	Acreage in Lea County, N. Mex	9.0	14.65
G-5145 E 9-27-62	do	Spraberry Trend Area Field, Upton County, Tex.	10.096	14.65
G-5320 D 12-5-62 [1]	Cities Service Gas Co	Guymon-Hugoton Field, Texas County, Okla.	[2] 11.0 [2] 12.0273	14.65 14.65
G-9855 E 9-30-63	Tennessee Gas Transmission Co	North Magnolia City Field, Jim Wells County, Tex.	12.12263	14.65
G-10272 C 9-26-63	Colorado Interstate Gas Co	Mocane Field, Beaver County, Okla	15.0	14.65
G-12175 C 9-26-63	Northern Natural Gas Co	Acreage in Hansford and Hutchinson Counties, Tex.	17.5	14.65
G-16139 D 9-30-63	Transwestern Pipeline Co	Acreage in Sherman County, Tex	(3)	
G-16218 C 9-26-63	do	Acreage in Beaver and Harper Counties, Okla.	17.0	14.65
G-18356, et al E 9-30-63	Phillips Petroleum Co	Guymon-Hugoton Field, Texas County, Okla.	8.0	14.65
G-20465	El Paso Natural Gas Co	Gavilan Field, Rio Arriba County, N. Mex.	11.0	15.025
CI63-290	do	Basin Dakota Field, La Plata County, Colo.	12.0	15.025
CI63-810 E 12-20-62	Tennessee Gas Transmission Co	Mary Field, Jim Wells County, Tex	14.87589	14.65
CI61-691 D 10-2-63	Michigan Wisconsin Pipe Line Co	Acreage in Dewey County, Okla	(4)	
CI61-1747 E 9-30-63	Oklahoma Natural Gas Gathering Corp.	Ringwood Field, Major County, Okla	11.0	14.65
CI62-88 C 9-27-63	El Paso Natural Gas Co	Acreage in San Juan County, N. Mex	11.0	15.025
CI62-1553 C 9-27-63	do	Ignacio Field, La Plata County, Okla	12.0	15.025
CI63-20 C 9-25-63	Arkansas Louisiana Gas Co	Acreage in Pittsburg County, Okla	17.0	14.65
CI63-222 B 8-17-62	F.T.F. Gas Corp	East Spearman Atoka Field, Hansford County, Tex.	(5)	
CI63-870 B 1-14-63	Northern Natural Gas Co	Mocane Gas Pool, Beaver County, Okla.	(5)	
CI63-1417 A 5-17-63 9-5-63	Medina Gathering Corp	Acreage in Crawford County, Pennsylvania.	27.0	15.025
CI63-1488 A 6-3-63	Tennessee Gas Transmission Co	LaSal Vieja Field, Willacy County, Tex.	17.24347	14.65
CI64-375 A 9-26-63	Natural Gas Pipeline Co. of America.	Eubanks and Hostetter Fields, DuVal and McMullen Counties, Tex.	16.0	14.65
CI64-376 B 9-26-63	W. J. Riley d.b.a. Banquette Gas Co.	Plymouth Field, San Patricio County, Tex.	(5)	
CI64-377 A 9-27-63	Natural Gas Pipeline Co. of America.	Willamar Field, Willacy County, Tex.	16.0	14.65
CI64-378 A 9-27-63	Kansas-Nebraska Natural Gas Co., Inc.	Various Acreage in Hamilton County, Kans.	12.5	14.65
CI64-379 A 9-27-63	El Paso Natural Gas Co	Spraberry Trend Area Field, Upton County, Tex.	17.2295	14.65
CI64-380 A 9-20-63	Cities Service Gas Co	Acreage in Texas County, Okla	16.0	14.65
CI64-381 B 9-27-63	Arkansas Louisiana Gas Co	Jefferson Field, Marion County, Tex.	(7)	
CI64-382 B 9-27-63	United Fuel Gas Co	Elk District, Kanawha County, W. Va.	(7)	
CI64-383 A 9-26-63	Equitable Gas Co	Union District, Ritchie County, W. Va.	25.0	15.325
CI64-384 A 9-25-63	Cities Service Gas Co	Laketon Field, Gray County, Tex	17.0	14.65
CI64-385 A 9-25-63	Tennessee Gas Transmission Co., Natural Gas Pipeline Co. of America, and Transcontinental Gas Pipe Line Corp.	Seeligson and La Gloria Fields, Jim Wells and Brooks Counties, Tex.	9.993846 14.6 8.89038 17.24347	14.65 14.65 14.65 14.65
CI64-386 A 9-26-63	Northern Natural Gas Co	Bechthold (Tonkawa) Field, Lipscomb County, Tex.	17.0	14.65
CI64-387 B 9-27-63	Coastal States Gas Producing Co	Acreage in San Patricio County, Tex.	(5)	
CI64-388 A 9-30-63	Cities Service Gas Co	Southwest Prairie Gem Field, Lincoln County, Okla.	12.0	14.65
CI64-389 A 9-30-63	do	do	12.0	14.65
CI64-390 B 9-30-63	Crestmont Consolidated Corp	St. Paul South Field, San Patricio County, Tex.	(5)	
CI64-391 A 9-30-63	Kentucky West Virginia Gas Co	Little Blaine Creek, Lawrence County, Ky.	18.0	15.225
CI64-392 A 9-30-63	Panhandle Eastern Pipe Line Co	South Dacoma Field, Woods County, Okla.	17.0	14.65
CI64-393 A 9-30-63	Arkansas Louisiana Gas Co	West Vixen Field, Caldwell Parish, La.	17.0	15.025
CI64-394 A 10-1-63	Lone Star Gas Co	East Doyle, Stephens County, Okla	15.0	14.65
CI64-395 A 10-1-63	Cabot Corp	Horse Run, Clay District, Wirt County, W. Va.	17.5	15.325
CI64-396 A 10-1-63	Panhandle Eastern Pipe Line Co	Hansford Lower Missouri Field, Hansford County, Tex.	12.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Purchaser	Field and Location	Price Per Mcf	Pressure base
CI64-397 A 10-1-63	Cities Service Gas Co.	Aetna Mississippi Gas Pool, Barber County, Kans.	13.0	14.65
CI64-398 A 10-1-63	Natural Gas Pipeline Co. of America.	Acreage in Beaver County, Okla.	17.0	14.65
CI64-399 B 10-1-63	Hope Natural Gas Co.	Lee District, Calhoun County, W. Va.	(7)	
CI64-400 B 10-2-63	Florida Gas Transmission Co.	Garcia Field, Starr County, Tex.	(6)	
CI64-401 B 10-1-63	Lone Star Gas Co.	Acreage in Stephens County, Okla.	(5)	
CI64-402 A 10-2-63	Panhandle Eastern Pipe Line Co.	Acreage in Kingman County, Kans.	15.0	14.65

[1] Assigned to Yingling Oil, Inc.
[2] Rate in effect subject to refund.
[3] Deletion of acreage by letter agreement between parties dated Sept. 6, 1963.
[4] Deletion of acreage by letter agreement dated Sept. 4, 1963.
[5] Wells no longer capable of producing gas.
[6] Depleted.
[7] Uneconomical.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10812; Filed, Oct. 11, 1963; 8:45 a.m.]

[Docket No. CP63-286]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Date of Hearing

OCTOBER 4, 1963.

Take notice that the hearing in the above-entitled matter, originally set for hearing on August 20, 1963, by notice issued July 18, 1963 (published in the FEDERAL REGISTER on July 25, 1963, 28 F.R. 9574), and postponed without date by notice issued August 14, 1963 (published in the FEDERAL REGISTER on August 21, 1963, 28 F.R. 9224), is hereby rescheduled for a hearing to be held on October 22, 1963, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application. On September 30, 1963, Colorado Interstate Gas Company filed a notice of withdrawal of its petition for leave to intervene in this proceeding, and no other protests or petitions to intervene have been filed.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10813; Filed, Oct. 11, 1963; 8:46 a.m.]

[Project No. 2299]

TURLOCK IRRIGATION DISTRICT AND MODESTO IRRIGATION DISTRICT

Notice Fixing Oral Argument

OCTOBER 4, 1963.

The Commission has before it the Examiner's Decision and exceptions thereto filed in the above-designated matter. Various participants have requested an opportunity to present oral argument before the Commission. It appears appropriate that oral argument be heard with respect to the issues presented in this matter;

Notice is given that an oral argument before the Commission is hereby scheduled to commence at 1:30 p.m., e.d.s.t., October 28, 1963 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C. Any party desiring to participate in the oral argument should notify the Secretary in writing on or before October 15, 1963, of his intention to do so and the amount of time desired for the presentation of his oral argument.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10814; Filed, Oct. 11, 1963; 8:46 a.m.]

[Docket No. RI60-37]

W. P. LUSE ET AL.

Order Making Successor in Interest Co-respondent and Requiring Filing of Successor's Bond

OCTOBER 3, 1963.

W. P. Luse, et al., and Jack L. Burrell (Operator), et al., Docket No. RI60-37.

On July 20, 1962, Jack L. Burrell (Operator), et al. (Burrell), filed a motion requesting that he be substituted for W. P. Luse, et al. (Luse), as respondent in the above-designated proceeding. In support of the motion, Burrell states that he acquired all of Luse's interest in the subject property. By letter order issued September 20, 1962, Burrell's notice of succession was accepted for filing, and Luse's FPC Gas Rate Schedule No. 1, and Supplement Nos. 1 through 6 thereto, were redesignated as Jack L. Burrell (Operator), et al., FPC Gas Rate Schedule No. 3, Supplement Nos. 1 through 6.

Since Burrell acquired his interest subsequent to the date that the subject suspended rate became effective subject to refund, Luse will be responsible for any monies collected subject to refund in this proceeding prior to the effective date of the assignment.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder, that Burrell be joined as co-respondent with Luse in the rate suspension proceeding in Docket No. RI60-37, that the proceeding be redesignated accordingly, and that Burrell be required to file a surety bond to assure refund of any excess charges, as hereinafter ordered.

The Commission orders:

(A) Jack L. Burrell (Operator), et al., is hereby joined as co-respondent with W. P. Luse, et al., in the proceeding in Docket No. RI60-37, and the proceeding is hereby redesignated as "W. P. Luse, et al., and Jack L. Burrell (Operator), et al."

(B) The surety bond heretofore filed by W. P. Luse, et al., on June 17, 1960, in the proceeding in Docket No. RI60-37, shall remain in full force and effect until discharged by the Commission, and shall assure refund of any excess charges which might be determined in this proceeding to be applicable to sales prior to the acquisition by Jack L. Burrell (Operator), et al.

(C) Within 30 days of the issuance of this order, Jack L. Burrell (Operator), et al., shall execute, in the form set out in Appendix A hereto,[1] as applicable, an acceptable surety bond in the amount of $50,000, signed by Jack L. Burrell, and tender it for filing with the Commission. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such bond shall be deemed to be satisfactory and to have been accepted for filing.

(D) Jack L. Burrell (Operator), et al., shall comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder. The surety bond to be filed by Jack L. Burrell (Operator), et al., shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-10723; Filed, Oct. 11, 1963; 8:45 a.m.]

[1] Filed as part of the original document.

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION VII

F. W. Woolworth Co., No. 140, 134 Westside Public Square, Springfield, Mo.; effective 6-19-63 to 3-31-64 (variety store; 37 employees).

F. W. Woolworth Co., No. 657, 1908 Swift Avenue, North Kansas City, Mo.; effective 6-18-63 to 3-31-64 (variety store; 25 employees).

REGION VIII

Mac's Food Market, Inc., Spur, Tex.; effective 10-10-63 to 9-2-64 (food store; 11 employees).

Mac's Super Market, Inc., d.b.a. Mac's Food Market, Ralls, Tex.; effective 10-10-63 to 9-2-64 (food store; 6 employees).

Mac's Super Market, Inc., d.b.a. Mac's Superette, Aspermont, Tex.; effective 10-10-63 to 9-2-64 (food store; 10 employees).

F. W. Woolworth Co., No. 735, 317 Central N.W., Albuquerque, N. Mex.; effective 9-29-63 to 3-31-64 (variety store; 77 employees).

REGION X

Lerner Shops, No. 121, Federal Street and Princeton, Bluefield, W. Va.; effective 10-22-63 to 3-31-64 (department store; 15 employees).

NORTH CAROLINA

Baldwin's Super Market, 224 West Palmer Street, Franklin, N.C.; effective 9-23-63 to 3-31-64 (food store; 16 employees).

Crest Queen City Variety Stores Co., d.b.a. Ben Franklin 5 & 10¢ Store, 1330 Central Avenue, Charlotte, N.C.; effective 9-18-63 to 3-31-64 (variety store; 18 employees).

P & Q Super Market, Inc., 209 South Broad Street, Edenton, N.C.; effective 9-18-63 to 3-31-64 (food store; 28 employees).

Peebles-Kimbrell Co., 123 South Main Street, Roxboro, N.C.; effective 10-5-63 to 3-31-64 (department store; 19 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Easter Super Valu, 725 West Second, Ottumwa, Iowa; effective 9-17-63 to 3-31-64; carry-out boy, stock boy; 10 percent for each month (food store; 51 employees).

Easter Super Valu, 223 North Madison, Ottumwa, Iowa; effective 9-17-63 to 3-31-64; carry-out boys, stock boys; 10 percent for each month (food store; 32 employees).

H. E. B. Food Store, No. 20, Viking Mall Shopping Center, Port Lavaca, Tex.; effective 9-24-63 to 3-31-64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 30 employees).

H. E. B. Food Store, No. 54, 516 North 20th Street, Waco, Tex.; effective 9-24-63 to 3-31-64; package boy, sack boy, bottle boy; 10 percent for each month (food store; 47 employees).

H. E. B. Food Store, No. 94, 703 Avenue F, Del Rio, Tex.; effective 9-23-63 to 3-31-64; package boy, sack boy, bottle boy; between 9.2 percent and 10 percent (food store; 56 employees).

Jupiter, No. 4513, 6316 Woodland Avenue, Philadelphia, Pa.; effective 9-28-63 to 3-31-64; sales clerks; between 3.4 percent and 10 percent (variety store; 12 employees).

S. S. Kresge Co., No. 547, Springfield Plaza Shopping Center, 6414 Springfield Plaza, Springfield, Va.; effective 9-26-63 to 3-31-64; sales clerk; 10 percent for each month (variety store; 46 employees).

S. S. Kresge Co., No. 705, Oak Forest Shopping Center, 1341 West 43d Street, Houston, Tex.; effective 9-27-63 to 3-31-64; sales clerks; between 3.1 percent and 10 percent (variety store; 29 employees).

S. S. Kresge Co., No. 748, 408 Northlake Shopping Center, Northwest Highway and Ferndale Road, Dallas, Tex.; effective 9-27-63 to 3-31-64; sales clerks; between 0.2 percent and 10 percent (variety store; 18 employees).

G. C. Murphy Co., No. 102, 230-232 Main Street, Tifton, Ga.; effective 9-21-63 to 1-31-64; sales, clerical, janitorial, stockkeeping; between 0.2 percent and 4.9 percent (variety store; 19 employees).

Neisner Brothers, Inc., No. 196, U.S. No. 1 and Palm Place, Marathon, Fla.; effective 9-28-63 to 3-31-64; selling, stocking; 10 percent for each month (variety store; 15 employees).

Nicoma Park Variety, Inc., d.b.a. T.G. & Y. Stores Co., No. 86, 2403 North Westminster, Nicoma Park, Okla.; effective 9-23-63 to 3-31-64; clerical, sales, stock work; 10 percent for each month (variety store; 17 employees).

Southway Discount Center, Inc., 342 Finley Avenue, Birmingham, Ala.; effective 9-24-63 to 3-31-64; bag boys, carryout boys, clerks, checkers; between 6.8 percent and 10 percent (food store; 67 employees).

Tri Angle Super Market, No. 2, Florence Boulevard, Florence, Ala.; effective 1-1-64 to 4-30-64; bag boys; 10 percent for each month (food store; 18 employees).

Younker Brothers, Inc., Middle and Kimberly Roads, Bettendorf, Iowa; effective 9-24-63 to 3-31-64; stock clerk, office clerk, sales clerk, messenger, wrappers, markers, delivery clerk, cleaning, porter work; between 9.8 percent and 10 percent (department store; 92 employees).

Younker Brothers, Inc., Lindale Plaza, 4444 First Avenue Northeast, Cedar Rapids, Iowa; effective 9-24-63 to 3-31-64; stock clerk, office clerk, sales clerk, delivery clerk, wrappers, markers, messengers, cleaning, porter work; between 2.3 percent and 9.0 percent (department store; 143 employees).

Younker Brothers, Inc., 1501 First Avenue East, Newton, Iowa; effective 9-24-63 to 3-31-64; stock clerk, office clerk, sales clerk, delivery clerk, messenger, marker, wrapper, cleaning, porter work; between 0.7 percent and 7.9 percent (department store; 25 employees).

Younker Brothers, Inc., 1950 Grand Avenue North, Spencer, Iowa; effective 9-24-63 to 3-31-64; sales clerk, stock clerk, office clerk, delivery clerk, wrapper, marker, messenger, cleaning, porter work; between 0.3 and 7.0 percent (department store; 23 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 3d day of October 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 63-10823; Filed, Oct. 11, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 879]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 9, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce

Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65821. By order of October 4, 1963, Division 3, acting as an Appellate Division, approved the transfer to George T. Donner, doing business as Checker Moving, Philadelphia, Pa., of Certificate in No. MC 106475, issued April 14, 1958, to Alexander Levine and Mary Levine, a partnership, doing business as A. A. Lexington Moving & Storage Co., West Belmar, N.J., authorizing the transportation of: Household goods, as defined by the Commission, between points in New York in the New York, N.Y., Commercial Zone; between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; between points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; between Philadelphia, Pa., and points in Pennsylvania within 30 miles of Philadelphia, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Morris J. Winokur, 1920-Two Penn Center Plaza, Philadelphia, Pa., attorney for transferee. Bowes & Millner, 1060 Broad Street, Newark, N.J., attorney for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-10827; Filed, Oct. 11, 1963; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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